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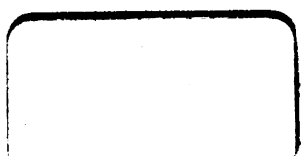
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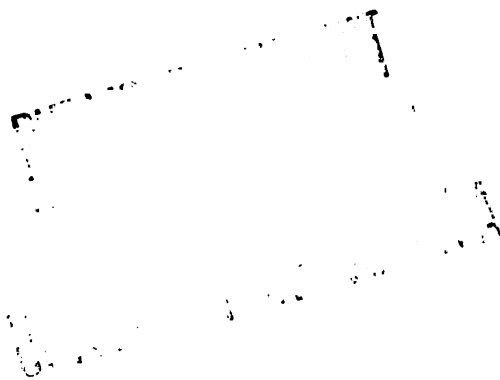


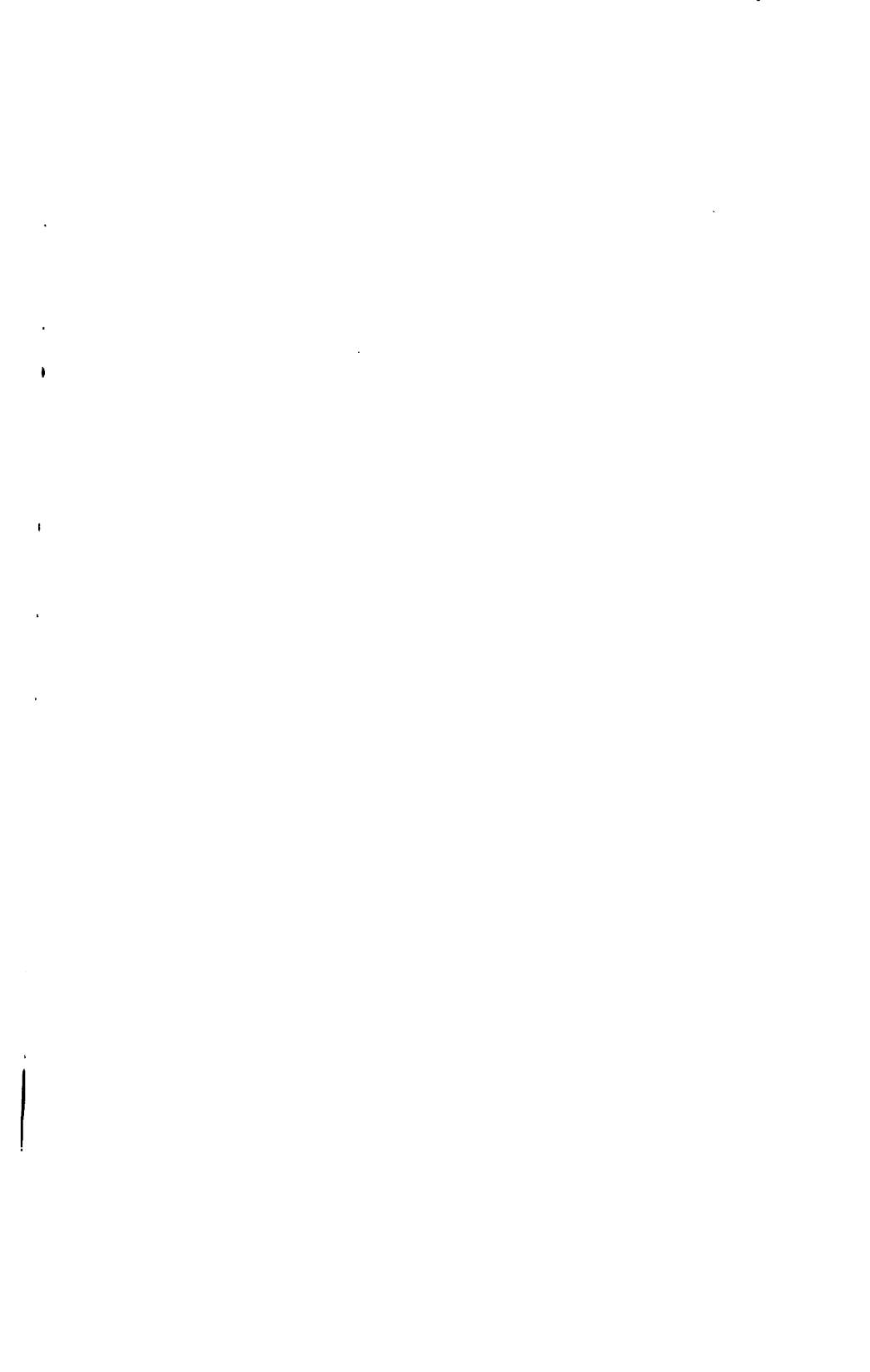
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ACTS

AND

JOINT RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA,

DURING THE

SESSION OF 1891-92.

RICHMOND:

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ACTS AND JOINT RESOLUTIONS.

CHAP. 1.—An ACT to empower the board of supervisors of Rockbridge county to make a loan and issue bonds therefor, for the purpose of erecting a new court-house and clerks' offices for said county, if approved by a majority of the voters voting at an election authorized to be held in said county.

Approved December 10, 1891.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county court of Rockbridge county to make an order requiring the sheriff and judges of elections of said county, at a time to be designated in said order, not less than one month from the date thereof, to open polls at all of the voting places in said county, to take the sense of the qualified voters of said county upon the question whether the county shall make a loan, of not exceeding sixty thousand dollars, to provide the necessary means for erecting a new court-house and clerks' offices for the use of the people of said county. The said court shall cause a copy of said order and a notice of said election to be published for at least three successive weeks before said election, in at least one newspaper published in the county of Rockbridge, and the sheriff of said county shall cause a notice of said election to be given by posting a copy of said notice at each voting place in his county at least ten days before said election.

Time of opening polls.

Notice of election.

2. The judges of election in said county shall open polls at their respective voting places in said county at the time designated in the said order of said court, and shall conduct such election and close the polls as is provided by law in respect to other elections. And at such election each of said voters who shall be in favor of said loan shall deposit with the judges of election a ballot, on which shall be written or printed the words, "for the court-house loan," and each of said voters who shall be opposed to such loan shall deposit with the judges of election a ballot on which shall be written or printed the words, "against the court-house loan."

Persons who shall open polls.

Style of ballot.

3. Immediately after the closing of the polls the judges of election at the several voting places in said county shall count the ballots deposited at such election, and shall, within twenty-four hours after such election, make return

to the clerk of the county court of Rockbridge county of the number of votes cast at their voting places respectively, "for the court-house loan," and the number of votes cast "against the court-house loan," and shall also return to and deposit with the clerk of said court, in separate packages, the ballots cast for and against such loan; and it shall be the duty of the commissioners of election of said county to meet in the clerk's office of said county, on the second day after such election shall have been held, to canvass the returns from the several precincts of said county, and to ascertain the result of said election in said county, and to make return thereof, in writing, both unto the board of supervisors and to the county court of said county, who shall cause said return to be spread upon their respective minutes. Said election shall be conducted and the result thereof ascertained and certified, in all respects not herein particularly prescribed, in the same manner in which other elections provided for by law are required to be conducted, and the results thereof ascertained and certified, in so far as the provisions of the general law of Virginia upon this subject are applicable to the election herein provided for, and are not inconsistent with the provisions of this act.

To canvass returns.

4. If a majority of the votes cast at such election in said county shall be ascertained to have been cast in favor of said court-house loan, then it shall be lawful for the board of supervisors of said county to make a loan for the purpose of erecting a new court-house and clerks' offices, or public county building in said county, in an amount not exceeding sixty thousand dollars, and to provide for the payment of the same as follows: The said board of supervisors may authorize the bonds of the county of Rockbridge to be issued in amount not exceeding sixty thousand dollars, bearing not exceeding six per centum interest per annum, payable semi-annually at such times and place as may be prescribed by said board; such bonds to be of such form and denominations as may be prescribed by said board, and they may be either coupon or registered; the principal of said bonds to be payable, not exceeding forty years after date, as may be prescribed by the board of supervisors, and the bonds to be redeemable at the pleasure of the county of Rockbridge, not less than ten years after the date of such bonds. And said board of supervisors may stipulate and provide that said bonds shall be exempt from taxation by the county of Rockbridge, and the mayor and council of the town of Lexington may stipulate and provide that said bonds shall be exempt from taxation by the town of Lexington. The said bonds shall be signed by the president of the board of supervisors and countersigned by the clerk thereof, and the coupons for interest upon said bonds shall be signed

Style of bonds.

by the treasurer of the county, whose signature may be either lithographed or engraved thereon, with like effect as though actually written by him. ^{Interest on bonds.}

5. The board of supervisors may cause said bonds to be sold, and may, in their discretion, employ an agent, or agents, for this purpose: provided, however, that none of said bonds shall be sold for less than par and interest; and provided further, that all money realized from the sale of said bonds shall be paid directly to the treasurer of the county, and shall be placed by him to the credit of the "new court-house fund," and be paid out by him to parties entitled, under proper warrants or authority from the board of supervisors, under regulations to be prescribed by said board. ^{Bonds to be sold by order of supervisors.}

6. It shall be the duty of the board of supervisors of said county, at such times as it shall make a levy in said county, to levy on all lands and other subjects liable to taxation, a sufficient tax to pay promptly the semi-annual interest upon the bonds issued under this act, and to create a sinking fund sufficient to extinguish the whole of said bonds by the time fixed for the maturity thereof; and when said bonds shall be paid off and redeemed they shall be called in and redeemed in the reverse order of their issue, beginning with the highest number outstanding first; and said calls shall be made by an advertisement for two successive weeks in some newspaper published in the county of Rockbridge, and in such other manner as the board of supervisors may direct.

7. This act shall be in force from its passage.

Commencem't

CHAP. 2.—A JOINT RESOLUTION providing for the acceptance of the direct tax to be refunded by the United States to the State of Virginia.

Approved December 15, 1891.

A joint resolution providing for the acceptance of the direct tax to be refunded by the United States to the state of Virginia:

1. Resolved by the senate of Virginia (the house of delegates concurring), That the sum appropriated to the state of Virginia and directed to be credited to said state by the act of the congress of the United States, approved March second, in eighteen hundred and ninety-one, entitled "an act to credit and pay to the several states and territories and the District of Columbia all moneys collected under the direct tax levied by the act of congress, approved August fifth, eighteen hundred and sixty-one," ^{Resolution.}

is hereby accepted by the state of Virginia in full satisfaction of all claims against the United States on account of the levy and collection of said tax; and all the trusts imposed by the said act of congress, approved March second, eighteen hundred and ninety-one, are in like manner also hereby accepted as provided in said act; and the governor of Virginia shall be, and he is hereby, fully authorized and empowered to receive the said moneys for the uses and purposes specified in the said act of congress; and the governor of the state is further authorized and empowered for and in behalf of the state and also in his own name, to sign, execute and deliver a full discharge, acquittance and release to the United States, or to its proper officers, of all claims and demands of the said state on account of the levy and collection of the said tax. And all the provisions of the said act of congress, and all the trusts therein imposed, are hereby fully accepted in so far as the state of Virginia is concerned.

2. The moneys received by the governor as aforesaid, shall be by him deposited through the treasurer of the state in some one or more of the banks of the state designated as state depositories, upon such terms as to the payment of interest as he may deem advantageous, the same to be in trust for the benefit of those persons or inhabitants from whom such moneys were collected or their legal representative in accordance with the provisions of said act of congress.

Commencem't. 3. This resolution shall be in force from its passage.

CHAP. 3.—An ACT to amend and re-enact section 1 of an act approved February 25, 1884, entitled an act to provide a corporation court for the city of Roanoke.

Approved December 15, 1891.

1. Be it enacted by the general assembly of Virginia, That section one of an act approved February twenty-fifth, eighteen hundred and eighty-four, entitled an act to provide a corporation court for the city of Roanoke, be amended and re-enacted so as to read as follows:

§ 1. There shall be established for the city of Roanoke a corporation or hustings court, to be held by the city judge of said city on the first Monday, or such other day as said judge may from time to time fix, in each month, and for a term of as many days as may be necessary in each month: provided that no term shall be held in the month of August.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 4.—An ACT to authorize the surviving corporators of St. Paul's church home of Petersburg, to convey a lot of land on Guarantee street, in the city of Petersburg, to the Petersburg home for the sick.

Approved December 15, 1891.

Whereas by an act of the general assembly of Vir-
ginia entitled "an act to incorporate Saint Paul's church
home of Petersburg," approved April twentieth, eighteen
hundred and seventy-four, Reverend J. H. D. Wingfield
and others were incorporated under the name of "Saint
Paul's church home of Petersburg," with power to acquire
property, real and personal, not exceeding two hundred
thousand dollars, and having as its general objects the
maintenance and education of infant children and the
establishment of a hospital for the reception and treat-
ment of destitute sick persons;

And whereas said home was organized in April, eighteen
hundred and seventy-five, and took care of and main-
tained a number of children from that time until Decem-
ber, eighteen hundred and seventy-nine, when the corpora-
tion being unable to obtain funds sufficient to main-
tain the children at the home, the same was virtually dis-
solved and other arrangements were made for the children
then at the home, a hospital for the sick never having
been established;

And whereas said corporation acquired title to a lot of
land on the west side of Guarantee street, in the city of
Petersburg, fronting on said street sixty feet, and running
back westwardly about four hundred feet, bounded on the
south by the property of William Mahone and on the
north by the property of C. T. Williamson;

And whereas on the twenty-fourth day of May, eigh-
teen hundred and eighty-seven, the judge of the hustings
court of Petersburg granted a charter to "the Petersburg
home for the sick," and on the application of the said cor-
poration the Reverend C. R. Haines, John Mann, F. E.
Davis and R. T. Arrington, the surviving corporators of
said Saint Paul's church home, agreed to give the lot of
land above described to the Petersburg home for the sick;
and inasmuch as the corporators of Saint Paul's church
home of Petersburg had been reduced below the number
required by its charter to transact business, they further
agreed to petition the legislature of Virginia for authority
to convey the said lot of land to the Petersburg home for
the sick, which petition has been filed; now, therefore,

1. Be it enacted by the general assembly of Virginia,
That it shall and may be lawful for C. R. Haines, John
Mann, F. E. Davis and R. T. Arrington, surviving corpora-
tors of Saint Paul's church home of Petersburg, to convey

to the Petersburg home for the sick, by deed, with special warranty, the lot of land above described.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 5.—An ACT to authorize the board of supervisors of Greensville county to increase the salary of the county judge to five hundred dollars.

Approved December 15, 1891.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Greensville be, and they are hereby, empowered to increase the salary of the county judge of Greensville county to a sum not exceeding five hundred dollars per annum.

Commencem't. 2. This act shall be in force from January first, eighteen hundred and ninety-two.

CHAP. 6.—An ACT to incorporate the Petersburg street railway company.

Approved December 15, 1891.

Preamble

Whereas George Beadle, acting under an authority duly granted to him by the common council of the city of Petersburg, has laid down and is now operating in said city a street railway; and whereas said Beadle wishes to have a charter incorporating himself and other persons into a company to which all the property, rights and franchises now owned by said Beadle, shall be transferred, and which shall hereafter maintain and operate said railway; therefore,

Corporators.

1. Be it enacted by the general assembly of Virginia, That said George Beadle, Frank G. Beadle, Augustus Wright, Walter S. Phillips and Alexander Hamilton, and such other persons as may hereafter be associated with them, and their successors be, and they are hereby, constituted a body corporate, under the name and style of Petersburg street railway company.

Power to purchase real and personal property.

2. The said street railway corporation shall have authority to purchase from said George Beadle, all of the property, real, personal and mixed, used by him in operating said street railway, and all rights, privileges and franchises granted to and enjoyed by him under the ordinance adopted by said common council, on the third day of November, in the year eighteen hundred and eighty-two,

entitled an ordinance authorizing the construction and operation of a street railway, and under all ordinances amendatory thereof, subsequently adopted by said council; and after acquiring said property, rights, privileges and franchises, said corporation shall be entitled to hold and enjoy the same in all respects as the same shall be held and enjoyed by said Beadle at the date of the transfer, and shall further have authority to construct and operate a street railway in any of the streets and highways of said city, subject to the provisions of said ordinances; but before constructing any track upon any street or highway of said city, the consent of said common council must be first obtained.

3. Said corporation shall have authority to extend its railway beyond the limits of said city into all or any one or more of the three counties adjacent to said city; but before constructing or operating said railway upon any highway of any of said counties leading into said city, the consent of the county court of such county must be obtained. May extend its road beyond the city limits.

4. Whatever property, rights, privileges and franchises said corporation may acquire under the transfer to be made by said George Beadle, or may hereafter acquire, it may lease or sell, and the lessee or vendee may hold and enjoy the same just as said corporation shall hold and enjoy the same at the time of such lease or sale. May lease or sell their property.

5. If the said corporation shall deem it necessary at any time, it may borrow money at a rate of interest not exceeding six per centum per annum, payable semi-annually, and may give the notes or bonds of the corporation therefor. Said bonds may be issued with or without coupons for the instalment of interest payable thereon. The corporations may execute deeds of trust, or mortgages conveying all or any part or parts of its property, privileges, rights, and franchises, in trust to secure whatever notes or bonds it may so issue. May borrow money.

6. The capital stock of said corporation shall not be less than fifty thousand dollars, nor more than three hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Subscriptions to said capital stock may be made and received in property, real, personal and mixed, at such valuations as may be agreed upon between the board of directors and the subscribers. Capital stock.

7. Said George Beadle shall be the president, and said George Beadle, Frank G. Beadle, Augustus Wright, Walter S. Phillips, and Alexander Hamilton shall be the directors of said corporation, and shall each continue in office for the first year after organization, and until his successor shall be duly elected, and shall enter upon the duties of his office. The president of said corporation shall be ex-officio a director thereof. Any vacancy which Denomination of shares. Officers.

shall occur in the office of president or director of said corporation, shall be filled by the remaining members of the board, and the person so elected shall hold office until his place shall be filled by the stockholders in general meeting assembled.

Taxes.

8. It is hereby expressly provided, and this charter is granted, upon the condition that the corporation hereby chartered shall pay in current money of the United States all its taxes and other demands against it due to the state of Virginia, and shall not pay the same in coupons or in anything else except current money of the United States of America.

Commencem't.

9. This act shall be in force from its passage.

CHAP. 7.—An ACT giving the consent of this state to the acquisition by the government of the United States of so much land as may be necessary for a public building in the city of Staunton.

Approved December 15, 1891.

Preamble.

Whereas by an act of the fifty-first congress of the United States, approved January twenty-six, eighteen hundred and ninety-one, provision was made for the erection of a public building in the city of Staunton, for the use and accommodation of the post-office and internal revenue office and for other government uses; and whereas said act provides that no part of the money appropriated therefor shall be expended until a valid title to the said site shall be vested in the United States, nor until the state of Virginia shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of said state and the service of civil process therein; therefore,

1. Be it enacted by the general assembly of Virginia, That the consent of the state of Virginia is hereby given and granted to the purchase or acquisition by the government of the United States, or under the authority of the same, of so much land as may be requisite and convenient for a site for a public building for the use and accommodation of the post-office and internal revenue office and for other government uses at the city of Staunton and state of Virginia.

Jurisdiction.

2. That this state cedes to the United States exclusive jurisdiction over the site so purchased or acquired, and over the building or buildings which may be erected thereon, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said state and the service of civil process therein.

3. The lots, parcels or tracts of land so acquired, together with the buildings and appurtenances for the purpose before mentioned, shall be held exempt from all state, county and municipal taxation so long as the United States shall be and remain the owner thereof.

Exempt from
state taxation.

4. This act shall be in force from its passage.

Commencem't.

CHAP. 8.—An ACT changing the time for commencing the construction of the railroad authorized under the act of the general assembly, approved December 20, 1889, incorporating the Washington and Western railroad company and completing the main line referred to therein.

Approved December 15, 1891.

1. Be it enacted by the general assembly of Virginia, That section eight of chapter twenty-nine of the private acts of the session of eighteen hundred and eighty-nine and ninety, be amended and re-enacted so as to read as follows:

§ 8. The Norfolk and Western railroad company now vested with the stock, property and franchises of the Washington and Western railroad company, shall be required to commence the construction of the said railroad, formerly of the Washington and Western railroad company, within two years from December twentieth, eighteen hundred and ninety-one, and to complete the construction of said line to a point of connection with the Maryland and Washington division of the Norfolk and Western railroad company, within six years thereafter, or otherwise the powers, privileges and franchises hereby granted shall be ipso facto void.

When required
to construct
road.

When to complete
construction.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 9.—An ACT to confirm an amend the charter of the Basic City school desk and furniture manufacturing company.

Approved December 17, 1891.

Be it enacted by the general assembly of Virginia, That the charter of the Basic City school desk and furniture manufacturing company, granted by the judge of the circuit court of Augusta county at the November term, eighteen hundred and ninety, be, and the same is hereby, confirmed and amended so as to read as follows:

§ 1. That John F. Scanlan, George W. Young, George S. Megee, Z. F. Mauzy, Michael Nolan, E. M. Kelley, Noble

Corporators.

Name and style.	Brauer, and George H. Punterney, and such others as are now or may hereafter be associated with them and their successors, are hereby created a body politic in law under the name, style and title of the Basic City school desk and furniture manufacturing company, and by that name shall be known in law and have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended, whether at law or in equity, and make and have a common seal, and alter and renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and make by-laws, rules and regulations consistent with the laws of this State.
Rights, powers, and privileges.	§ 2. That the said company is authorized and empowered to manufacture school desks, and furniture for schools, banks, churches, and to make other furniture, and shall have the power to purchase or lease such lands, and to buy such lumber as may be necessary, and shall have full power and authority to do all and every act necessary and proper to carry into effect the powers conferred by this section.
Capital stock.	§ 3. The capital stock of the said company shall be not less than seventy thousand dollars, and not more than three hundred thousand dollars, to be divided into shares of one hundred dollars each. <i>Common and preferred stock may be issued; and of the capital stock of the company, such portion thereof not exceeding one hundred and fifty thousand dollars, as the board of directors may determine, may be preferred stock, and shall be issued upon such terms and conditions as said board may prescribe, and the rights of the preferred stockholders may be secured in such manner as the said board may determine.</i>
May purchase and hold real estate.	§ 4. That the company shall have the right to purchase and hold such real estate as it shall find necessary in the due course of its business; not, however, at any one time to exceed twenty thousand acres, with the power of disposing of the same by lease, sale or otherwise, and to mortgage the same for any debt of the company.
Principal office.	§ 5. The principal office of said company shall be in Basic City, Augusta county, Virginia, and the company may establish branch offices for their use wherever deemed necessary and proper.
Officers.	§ 6. The officers of said company shall consist of a president, vice-president, secretary, treasurer, and not less than six directors. The board of directors shall consist of the president and vice-president of the company, and not less than six directors. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.
Commencement.	This act shall be in force from its passage.

CHAP. 10.—An ACT to authorize the board of supervisors of the county of Surry to compromise certain claims due said county.

Approved December 17, 1891.

Whereas there is due the county of Surry, by R. A. Cocke, late treasurer of said county, and his sureties on his official bond, the sum of one thousand five hundred dollars, with interest thereon from the first day of July, eighteen hundred and eighty-six, on account of county levy collected by said late treasurer; and whereas said Cocke and a majority of his sureties are of doubtful solvency; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Surry be, and is hereby, authorized and empowered to compromise with said sureties any debt due by them to the county, upon such terms and in such manner as they may deem most advisable for the interest of said county: provided such compromise be made and definitely settled within six months from the passage of this act, and that no relief be granted said Cocke under this act.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 11.—An ACT to authorize the council of the city of Portsmouth to issue bonds for the redemption of paving bonds as they mature and for other purposes.

Approved December 17, 1891.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the council of the city of Portsmouth, in order to redeem the paving bonds of said city as they mature, for purchasing a site and building a jail thereon; for funding a portion of the floating debt of said city, and for paying the costs and expenses for the purchase or condemnation of land for the extension of its streets; to issue coupon or registered bonds in sums not less than one hundred dollars, at a rate of interest to be determined by said council, not to exceed, however, six per centum per annum, payable semi-annually; said bonds to be made payable thirty years after their date: provided that the whole amount of bonds issued under this act shall not exceed the sum of two hundred and thirty thousand dollars, of which said sum not more than twenty thousand dollars shall be applied to the funding of the floating debt, and not more than twenty thousand shall be applied to jail purposes. The said bonds shall be signed

by the president of the council and the city treasurer and attested by the city clerk, and the proceeds thereof shall not be applied or used for any other purpose than that herein specified. The said city council may dispose of said bonds to the highest bidder therefor, either at public auction or under proposals to be made public to the city council, or in such other manner as it may deem expedient: provided, however, that if the said bonds bear six per centum interest, they shall not be disposed of for less than their par value, and in no case shall the said bonds be disposed of for less than ninety-five per centum of their par value. The said bonds shall not be subject to any taxation whatever by the city of Portsmouth, and the council of said city shall, for the payment of the interest upon said bonds, levy a special tax sufficient to pay the semi-annual interest on said bonds, or may provide for the same out of the general levy.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 12.—An ACT to incorporate the Rivermont street railway company.

Approved December 17, 1891.

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| Corporators. | 1. Be it enacted by the general assembly of Virginia, That Chas. M. Blackford, Peter J. Otey, I. H. Adams, Watkins L. Moorman, Ed. S. Hutter, W. H. Dulaney, and such other persons as may be hereafter associated with them, and their successors and assigns be, and are hereby, incorporated and made a body politic and corporate, under |
| Name of company. | the name and style of "the Rivermont street railway company," and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded in the courts of the land, and may make and have a common seal, and alter and renew the same at pleasure; may make by-laws for its control and management, and shall have, enjoy and exercise all the rights, powers, privileges and franchises pertaining to corporate bodies of this general character, and necessary to the due development of the purposes of this charter, and to the maintenance of the corporation hereby created. |
| By-laws. | |
| Capital stock. | 2. The capital stock of said company shall not be less than thirty thousand dollars (\$30,000), and may be increased from time to time, as the stockholders may direct, to any sum not to exceed two hundred thousand dollars (\$200,000). |
| Par value of shares. | The capital stock shall be divided into shares, the par value of which shall be fifty dollars, and the stock may be |

issued as the stockholders may direct, as preferred and common stock, in such proportions and on such conditions as they may deem proper.

3. The company in payment for subscription to its capital stock may receive money, land, materials, labor, or any other article or value, at such price as may be fixed by the board of directors.

Payment of subscriptions. What to be made in.

4. Any other joint stock company may subscribe to the capital stock of this company, and may so subscribe to, hold, vote and control any proportion of its said capital, however great, which may be agreed upon between the board of directors of this company and the company making such subscription. This power to subscribe to the capital stock of this company is especially granted to the Rivermont company, and it may pay and discharge any subscription it may thus make, by transferring to this company its street railway, in the city of Lynchburg, and county of Campbell, its electric plant, poles, wires, cars, machinery, houses and all of its plant connected with said railway, and all rights, privileges and franchises there-to pertaining. The price and value of such articles so to be used in payment for such subscription shall be fixed and agreed upon between the board of directors of said Rivermont company and the board of directors of this company, and the fact that the two boards may be composed, in whole, or in part, of the same individuals, shall in no wise affect the legality of such subscription, or of any action fixing the value of the property used in paying the same.

Power to subscribe to capital stock especially granted.

5. The management and control of the company shall be vested in a board of directors, all of whom shall be stockholders. The board of directors, except the first board, shall be elected by the stockholders annually at their annual meeting. The number of the board, the times of the annual meetings, and all rules, by-laws and regulations for the general management of the company shall be fixed and determined by the stockholders.

Management of company.

6. The corporators named in the first section of this act shall receive subscriptions to the capital stock of this company, and they shall, as soon after the passage of this act as practicable, open books of subscription to said capital stock, in one or more places in the city of Lynchburg, giving due notice thereof by advertisement for one week in one or more newspapers of the said city. When as much as the minimum amount of said capital has been subscribed, said corporators shall call a meeting of said subscribers, to be held in said city, giving ten days' notice of the time and place of such meeting, by advertising the same for ten days immediately preceding the time fixed therefor in one or more of the daily newspapers of the said city. At the meeting so to be held, the first board of di-

Persons to receive subscriptions to capital stock.

When a meeting may be called.

rectors shall be elected, and such other business transacted as the stockholders may determine.

The board so elected shall hold office until the first annual meeting, and until their successors are elected in their stead.

President and vice-president. 7. The board of directors at their first meeting after the election, or as soon thereafter as practicable, shall select from their number a president and vice-president of said company, who shall hold said offices until their successors are elected, without vacating their seats or powers, as members of said board. And thereafter each board of directors shall annually make similar elections from among its members for the said offices of president and vice-president, at their first meeting after they are elected, or so soon thereafter as practicable.

Officers and servants. 8. The board of directors shall appoint all officers and servants of said company, assign their duties, fix their compensation, and the penalties of their official bonds, when such bonds are required. Said board shall also, under the control and direction of the stockholders, have and exercise all the duties and powers usual to such bodies as are necessary and requisite to the management and control of such a company, and as may be granted and prescribed by the by-laws of this company.

9. The said company shall, in addition to all such general powers and attributes as are inherent to corporations of this nature, especially have power—

Corporate name may be changed. (1) To change its corporate name whenever it may so desire, but such change of name shall in nowise affect the relation of the company to its property or its debts and contracts.

(2) To construct, own, purchase, hold, and operate a street railway in the counties of Campbell and Bedford and in the city of Lynchburg. The cars upon said railway may be propelled by horses, steam, electricity, or any other motive power. The said railway may be used for the transportation of passengers or freight, and said company may charge and collect tolls and fares for such transportation as may be done by any other like common carrier. Its railway, poles, wires, and other parts of its plant, necessary to the running of its cars, may be laid and placed in the streets and roads of the city of Lynchburg, and the streets and roads of the counties of Campbell and Bedford, and its cars or trucks may be run over said railway when so laid: provided the consent of the council of the city of Lynchburg be first obtained to such user of its streets and roads, and of the county courts of the said counties of Campbell and Bedford, respectively, for such user of said roads and streets in said counties; but when such consent has already been granted by said council and said courts to any individual or company from which this company

may derive any railway or any part of the plant connected therewith, no further grant of such power shall be requisite, and the transfer to this company of any such railway or plant shall carry with it all such rights, franchises or privileges derived from said counties, city, or from private persons. When the company shall receive, in payment of subscription to its capital stock from the Rivermont company, or from any other person or corporation, any roadway, poles, wires, and other part of an electric or other plant, located on the lands of said subscribing company or other persons, the company shall take the same and operate them as a street-car line without any such permit from said council or county courts, even though the land over which said railway runs, and upon which said poles, wires, and other plant is placed, has been dedicated to the use of the public as a highway: provided said dedication was made subject to said user for the purposes of a street railway.

(3) To purchase, hold, use, sell or otherwise dispose of real estate, not to exceed at any one time one thousand acres in amount, in the counties of Campbell and Bedford and the city of Lynchburg. It may also purchase, hold, use, enjoy, sell, or otherwise dispose of any and all kinds and classes of personal property requisite and necessary for its use and the development of its purposes as a street railway company, and for the powers and privileges herein granted.

May purchase and hold real estate.

Personal property, may hold and dispose of.

(4) To condemn lands for the purpose of laying its railway track and establishing depots, and may, when necessary, condemn the use of land for erecting thereon poles and wires for the purpose of conducting electricity from the mill where such electricity is manufactured to the line of its railway. But in making all such condemnation, it shall be controlled by the laws of the state in such case made and provided, and shall have no other powers than those granted by such laws.

(5) To make and issue coupon bonds, notes, acceptances, or other evidences of debt, and may borrow money and make and issue bonds or notes promising to pay the same, and may convey its real and personal property, rights and franchises by a deed of trust or mortgage to secure the payment of the same, and of the instalments of interest thereon.

Evidences of debt.

(6) To cross, unite or connect with any other line of railway constructed; or to be constructed, and to consolidate with any other joint stock company created for the purpose of constructing, owning and operating a railway upon such terms as may be agreed upon by the said parties, and it may subscribe to the capital stock of any other joint stock company, and hold, vote and otherwise exercise all the rights of a stockholder in said company. It

may also lease out its own line, property, works, and franchises, or lease the line, property, works and franchises of any other railway company.

Electric light
plant.

(7) To construct an electric light plant, and to manufacture electricity, and to sell, lease or otherwise dispose of and distribute the electricity so manufactured for the purposes of lighting, manufacturing, heating or motive power; and it may, for the purpose of conveying said electricity, erect poles and run wires in the streets and roads of the city of Lynchburg and the counties of Campbell and Bedford: provided the same be done with the consent of the council of the city or the county court of the county in which said street or road may be located.

Taxes.

10. The said company shall pay all taxes and other dues to the state of Virginia in current money of the United States, and not in coupons.

Commencem't.

11. This act shall be in force from its passage.

CHAP. 18.—An ACT to incorporate the Marion and Rye Valley railroad company.

Approved December 17, 1891.

Corporators.

1. Be it enacted by the general assembly of Virginia, That Philip S. Swain, Charles T. Darling, Earle C. Bacon, and J. V. A. Craighead, of the state of New York; John S. Apperson, John P. Sheffey, W. C. Pendleton, H. B. Hall, James T. Porter, A. M. Dickenson, B. F. Buchanan, G. D. H. Killinger, Joseph Atkins, and George W. Richardson, of Smyth county, Virginia, or such of them as may accept the provisions of this act, their associates, successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Marion and Rye Valley railroad company, and by that name shall be known in the law, and as such are authorized and empowered to locate, construct, stock, equip, work and operate a line of railroad, commencing at Marion, Smyth county, Virginia, or at some other point in said county, on the line of the Norfolk and Western railroad, and running thence southwardly to a point on the head waters of either branch of Staley's creek, and by such route as may be deemed suitable by the board of directors; and said company may, in like manner, extend its line of railroad into Rye Valley, in said county, and through the same in either direction to the county line by such route or routes as may be determined upon by the board of directors; and may also connect with any other line of railroad either now or hereafter built, and operated either

Name and
style.

Route.

May extend its
lines to other
roads.

in Smyth, Wythe, or adjacent counties, by extending its line or lines in any direction, and by any route deemed suitable by its board of directors.

2. The said company shall have perpetual succession, Powers. and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity, and may make and have a common seal, and alter or renew the same at pleasure, and shall have and possess and enjoy all the rights and privileges of a corporation or body politic in the law, and necessary for the purposes of this act.

3. The capital stock of said company shall not be less Capital stock. than one hundred thousand dollars, and may, from time to time, with the consent of a majority of its stockholders, be increased to an amount not exceeding five hundred thousand dollars, by issue and sale of shares, the par value Par value of stock. of which shall be not less than one hundred dollars, from time to time, under such regulations as the board of directors of said company shall prescribe; and the directors may receive cash, labor, material, real and personal property suited to the business of the company, in payment of subscriptions to the capital stock, at such valuations as may be agreed upon between the directors and the subscribers; and may make such subscriptions payable in Subscriptions to stock. such manner or amounts, at such times as may be agreed upon with the subscribers.

4. It shall be lawful for said company to acquire by May acquire property by purchase, etc. donation or purchase, land for right of way, depots, stations, and other purposes necessary for the successful construction and operation of its road in any of the counties through which it is authorized to construct its line.

5. It shall be lawful for said company to borrow money May borrow money. or issue and sell its bonds from time to time for such sums, and on such terms as its board of directors may deem expedient and proper, and to secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, railroads and franchises.

6. It shall be lawful for said company to guarantee or May hold stock in certain other corporations. hold the stock or bonds of any mining, manufacturing or other corporation of this state, and mining, manufacturing or other corporations may guarantee or hold the stock or bonds of the said company.

7. The said corporation is authorized and empowered, Empowered to select route. by such route or routes as it may select, to locate, construct, equip and operate lateral or branch roads, not to exceed fifty miles in length, as may be necessary for the accommodation of the public, and to bring out the iron ores and other minerals and products in the county or counties through which it may run, or to connect with any other railroad that is now or hereafter may be constructed in or to any of said counties.

8. The said company may acquire by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroad, and the necessary stations and depots for its operation, and may connect and unite its railroad with that of any other railroad company now or, hereafter constructed in or to any of the counties hereinbefore mentioned, or consolidate or merge its stock, property or franchises, with those of any company operating or authorized to operate a connecting line of railroad not a competing line, upon such terms as may be agreed upon by the board of directors of the companies so uniting or consolidating; and for that purpose power is hereby given to it, and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation: provided that a copy of every such contract, consolidation and merger be filed in the office of the board of public works.

9. The said company shall be required to commence the construction of said railroad within two years from the passage of this act, and to complete the construction of the main line within five years thereafter, or otherwise the powers, privileges, and franchises hereby granted shall be annulled and become void.

10. The persons named in this act, or such of them as shall accept the provisions thereof, shall have the powers and authority of a president and board of directors for the purpose of organizing and all other purposes. They or any five of them may constitute the board of directors for the first year, or until their successors shall be elected and qualified. They shall elect one of their number president pro tempore. They shall open books of subscription to the capital stock of said company at such times and places as they may see proper. When ten thousand dollars or more are subscribed they may convene the stockholders and organize the company. Each stockholder shall be entitled to one vote for each share of stock subscribed for and paid on by him. At the first meeting of the stockholders the president pro tempore appointed by the incorporators shall preside. The stockholders at the first meeting shall fix the number of directors and elect them. The said board of directors shall elect a permanent president and other officers and secretary, who shall certify said organization on the books of said company, a copy of which, duly attested by a notary public, shall be received as evidence of the legal organization of said company. The board of directors shall be stockholders of said company, and they may fill any vacancy that may occur in said board.

11. The board of directors may establish offices and agencies at such places as they may deem proper, but the

Lands for right of way, etc.

Time in which required to commence work.

Persons named in this act have the power to organize, etc.

Board of directors.

President and books of subscription.

Offices and agencies.

principal office of the company shall be located at some point within the state of Virginia.

12. The said corporation is hereby granted a right of way sixty feet wide through the tracts of land in said county belonging to the state of Virginia and now used, occupied and controlled by the Southwestern lunatic asylum—the line of said railroad to be so located and constructed as that, in the opinion of the board of directors of said asylum, it will not interfere with or impede the operations of said asylum, and so as not in anywise to interfere with or injure any spring or source of water supply belonging to said asylum, upon condition that said railroad company, or its assigns, erect and keep in repair a switch or siding, one hundred feet long, for the use of said asylum, at some point along its line and on said asylum lands, to be designated by the superintendent, chairman of the board of directors and steward of said asylum, and transport and convey over said road from the Norfolk and Western railroad to said asylum switch all unbroken car loads of freight for said asylum and return the empties to said Norfolk and Western railroad free of charge, so long as said road shall be operated.

13. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons. Taxes.

14. This act shall be in force from its passage. Commencem't.

CHAP. 14.—An ACT to remove the political disabilities of Segar Whiting and Geo. W. Fitchett.

Approved December 17, 1891.

1. Be it enacted by the general assembly of Virginia (two-thirds of both houses concurring), That the political disabilities of Segar Whiting and George W. Fitchett, incurred under clause three of section one of article three of the constitution of Virginia, with reference to duelling, be, and the same are hereby, removed.

2. This act shall be in force from its passage. Commencem't.

CHAP. 15.—An ACT to amend and re-enact an act entitled an act to incorporate the town of Basic City, approved March 3, 1890.

Approved December 19, 1891.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to incorporate the town of Basic City," approved March third, eighteen hundred and

ninety, be amended and re-enacted so as to read as follows, to-wit:

Territorial limits.

That the territory contained within the limits prescribed in said act, as extended pursuant to the sixth section of said act, and as extended herein, shall be as follows, to-wit:

Beginning at a point on the southern boundary of the right of way of the Chesapeake and Ohio railway, east of South river, said point being six thousand seven hundred and eighty-five feet from the intersection of said right of way and South river, measured on said right of way; thence south, sixty-four degrees west, seven hundred and eighty-four feet north, seventy-three degrees forty-five minutes west, two thousand nine hundred and five feet, north, forty-three degrees forty-five minutes west, eight hundred and fifty-three feet, crossing the Shenandoah Valley railway at two hundred feet, to a stake; thence north fifty-five degrees fifteen minutes west, four hundred and ninety-five feet, to a point in the middle of South river; thence down the middle of said river, in a northerly direction to the northern boundary of the right of way of the Chesapeake and Ohio railway; thence in a westwardly direction along the northern boundary of the right of way of the Chesapeake and Ohio railway, a distance of—feet, to the eastern boundary of the New Hope and Waynesboro' public road; thence along the eastern boundary of said road, in a northerly direction, to the property of the James Bush heirs; thence north, sixty-four degrees ten minutes east, one hundred and seventy-three and one-fourth poles; thence north, seventy-two degrees ten minutes east, one hundred and twenty-one poles and fourteen links; thence north, forty-eight degrees east ten poles; thence south sixty-seven degrees east thirty-three poles and eleven links; thence south, forty-six degrees twenty-five minutes east, seventy-two and three-fifths poles, to the middle of South river; thence down the middle of South river, by its several courses, to a point opposite the corner of the land lately owned by Jacob Coiner with the land lately owned by Jonathan Coiner; thence to said corner; thence south, fifty-nine degrees ten minutes east, two hundred and eighty-five poles, crossing the Shenandoah Valley railway, to the corner of the land lately owned by Geo. K. Coiner; thence south, twenty-nine and a half degrees west, one hundred and six poles and two links; thence south, sixty degrees forty-eight minutes east, fifty-seven poles; thence south, forty-three degrees twenty-eight minutes west, ninety-nine and four-fifths poles; thence south, forty-seven degrees thirty-eight minutes west, fifty-four and three-fifths poles; thence south, fifty-four degrees thirty-eight minutes west, seven-two and one-sixth poles; thence, by a straight line, to the point of beginning—be deemed and taken as the town of

Basic City, and the inhabitants of the town of Basic City, for all purposes for which towns are incorporated in this commonwealth, shall be a body politic in fact and in name, under the style and denomination of the town of Basic City, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and pertaining to said town as a municipal corporation.

2. The administration and government of said town ^{Officers.} shall be vested in one principal officer, to be styled the mayor; one board, to be called the council of the town of Basic City, and in such other boards and officers as are hereinafter mentioned or may be provided by the council.

3. The municipal officers of said town shall consist of a mayor, a treasurer, six councilmen, a sergeant, a commissioner of the revenue, and one justice of the peace.

4. The following named persons, who now fill the following offices, shall continue in office until the first day of July, eighteen hundred and ninety-two, and until their ^{Officers to continue in office until first of July.} successors are duly elected and qualified, namely: James F. Bowman, mayor; J. D. Hughes, sergeant; R. F. Leedy, commissioner of the revenue; and councilmen as follows: J. H. Lindsay, M. W. Quarles, W. W. Sproul, J. H. Rankin, James E. Critzer and L. G. Durham, and they are hereby clothed with all the powers, and shall be subject to all the provisions, appertaining to their respective offices herein prescribed.

5. An election of the municipal officers mentioned in ^{Elections.} the third section of this act, except the treasurer, and clerk of the council, shall be held on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May in every second year thereafter. The treasurer, and clerk of the council, shall be appointed by the council, and shall hold office during the term of office of said council and until their successors are duly appointed and qualified. Said elections shall be conducted under the provisions of the general election laws of the state. When two or more persons are to be elected to the same office, the several persons of the number required having the highest number of votes shall be declared elected.

6. The mayor and all other municipal officers of said town, before entering upon the duties of their respective ^{Bonds to be given.} offices, shall be sworn in accordance with the laws of the state, by any one authorized to administer oaths under the laws of the state. If any person, elected or appointed to any office in said town, shall neglect to take such oath before the day on which he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office, fail to give such security as may be required of him by the council, he shall

be considered as having declined said office, and the same shall be declared vacant, and such vacancy shall be filled as prescribed in section thirty of this act.

CHAPTER II.—MAYOR.

Election of mayor.

7. The mayor shall be elected by the qualified voters of the town of Basic City for the term of two years; his salary shall be fixed by the council of said town, and he shall receive no other compensation or emoluments whatever, and his salary shall not be diminished during the term of office.

Powers of mayor.

8. He shall, by virtue of his office, preside over the meetings of the council, voting only in case of a tie, and possess all the jurisdiction and exercise all the powers and authority in criminal cases, of a justice of the peace of said town, in addition to the powers given him by virtue of this act; but he shall receive no fees for his services as such justice of the peace.

Annual message of mayor.

9. It shall be his duty to communicate to the town council annually, at the beginning of each fiscal year, or oftener if he shall be required by said council, a general statement of the condition of the town in relation to its government, finances, and improvements, with such recommendations as he may deem proper.

Supervision of subordinate officers.

10. He shall exercise a constant supervision over the conduct of all subordinate officers; have power and authority to investigate their acts; have access to all books and documents in their offices, and may examine said officers and their subordinates on oath. He shall have power to suspend or remove such officers for misconduct in office or neglect of duty; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity be afforded him to be heard in his defence. On the removal or suspension of such officer, the mayor shall report the same to the town council, at their next stated meeting, for their consideration, but in no case shall it be final until ratified by two-thirds of the whole council.

11. In case of the absence of or the inability of the mayor, the president pro tempore of the council, to be chosen by a majority vote of the council present at a legal meeting, shall possess the same power and discharge the municipal duties of the mayor during such absence or inability.

Vacancy in mayor's office.

12. In case a vacancy shall occur in the office of mayor, the same shall be filled in the manner hereinafter provided in section thirty of this act.

Meetings of council.

13. The mayor, or any three members of the council, may call a meeting of the council.

CHAPTER III.—TOWN COUNCIL.

14. The council of the town shall be composed of six Number of councilmen. members. They shall be elected by the popular vote of How elected. the qualified voters of the town.

15. The town council shall, by ordinance, fix the time Time of meetings of council. for their stated meetings, and no business shall be transacted at a special meeting but that for which it shall be called.

16. The town council shall have authority to appoint Police. policemen and to adopt such rules and appoint such officers and committees as they may deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members, to punish its members for disorderly behavior, and, by a vote of two-thirds of the whole council, to expel a member for malfeasance or misfeasance in office. They shall keep a minute-book, in which their clerk shall note the proceedings of the council, and shall record said proceedings at large on the record-book and keep the same properly indexed. The meetings of the council shall be open to the public, except when the public welfare shall require secrecy. Officers of the town. How expelled.

17. A majority of the members of the council, or three Quorum. of them and the mayor, shall constitute a quorum for the transaction of business; but no ordinance shall be passed or resolution adopted, having for its object the appropriation of money, except by the concurrence of at least four members. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless there be at least four members present and four of them concur.

18. The town council shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town, and of all property, The council shall control the affairs of the town. real and personal, belonging to said town, and may make such ordinances and by-laws relating to the same as they shall deem proper; and they shall likewise have power to make such ordinances, orders, by-laws, and regulations as they may deem proper and necessary to carry out the following powers which are hereby vested in them:

First. To establish a market or markets in and for said Markets. town, and appoint proper officers therefor; prescribe the times and places for holding the same; provide suitable buildings and grounds therefor, and enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrading.

Second. To erect and keep in order all public build- Public buildings. ings necessary and proper for said town; to erect within the town a town prison; and said prison shall contain such apartments as shall be necessary for the safe-keep-

ing of all persons confined therein, and to establish a chain-gang and require offenders to work therein.

Water works,
Electric light
plant, etc.

Third. To establish and operate water works, gas works, and electric light works or plant, within or without the limits of the town; to contract and agree with the owners of any land for the use and purchase thereof, or have the same condemned according to law, for the location, extension or enlargement of their said works, the pipes and wires connected therewith, or any of the fixtures or appurtenances thereof; and shall have the power to protect from injury, by ordinance prescribing adequate penalties, the said works, electric light plant, pipes, wires, fixtures and land, or anything connected therewith, whether within or without the limits of said town.

Opening of
streets, etc.

Fourth. To open, close or extend, widen or narrow, lay out, graduate, curb and pave, and otherwise improve streets, sidewalks, and public alleys in said town, and have them kept in good order and properly lighted; and over any street or alley in the town which may be ceded or conveyed to the town by proper deed, they shall have like power and authority as over other streets and alleys; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over or under or in any street, sidewalk or alley in said town, and may permit shade trees to be planted along said streets; but no company shall occupy with its works, or any appurtenances thereof, the streets, sidewalks or alleys of the town, without the consent of the council, duly entered upon its record. In the meantime no order shall be made and no injunction shall be awarded by any court or judge to stay proceedings of the town council in the prosecution of their work, unless it be manifest that they, their officers, agents or servants, are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

Bridges.

Fifth. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the town, in any manner whatever.

To designate
the route of
any railroad
and regulate
the speed, etc.,
thereof.

Sixth. To determine and designate the route and grade of any railroad to be laid out in said town, and to restrain and regulate the rate of speed of locomotive engines and cars upon the railroads within the said town.

Seventh. To make provisions for and regulate the weighing of hay, fodder, oats, shucks, or other long forage. They may also provide for measuring corn, oats, grains, coal, stone, wood, lumber, boards, potatoes and other articles for sale or barter.

Contagious dis-
eases.

Eighth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect and regulate hospitals; to provide for and enforce the re-

removal of patients to said hospitals; to appoint and organize a board of health for said town, with the authority necessary for the prompt and efficient performance of its duties.

Ninth. To require and compel the abatement and the removal of all nuisances within said town, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to prevent and regulate slaughter-houses, soap and candle factories within the said town, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment therein, and to regulate the transportation of coal and other articles through the streets of said town. Nuisances.

Tenth. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof, shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered, or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them, (except in cases where such nuisance is caused by the action of the town authorities or their agents, in which case the town shall pay the expense of abating the same,) by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected: provided that reasonable notice shall be first given to said owners or their agents. In case of non-resident owners, who have no agents in said town, such notice shall be given by publication for not less than four weeks in any newspaper published in said town.

Eleventh. To direct the location for all buildings for the storage of gunpowder and other combustible substances, and to regulate the sale and use of gunpowder, fire-crackers, or fire-works manufactured therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid, or other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of lights or candles in barns or stables and other buildings, and to restrain the making of bon-fires in streets and yards. Regulating the keeping of explosive materials.

Twelfth. To prevent hogs, dogs, and other animals from running at large in said town, and may subject the same to such confiscation, regulations, and taxes as they may deem proper. Animals running at large.

Thirteenth. To prevent the riding or driving of horses or other animals at an improper speed, throwing stones, or engaging in any employment or sport on the streets, sidewalks, or public alleys, dangerous or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses or other animals in said town. To prevent riding and driving at an improper speed.

Drunkards and vagrants. Fourteenth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblies; to suppress houses of ill-fame and gambling-houses; to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said town, and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

To prevent houses of ill-repute.

Fifteenth. To prevent the coming into town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town.

19. Any member of said council being voluntarily absent from its meetings consecutively for three months, the seat shall be deemed vacant, and the unexpired term shall be filled according to law.

May acquire real estate.

20. The town council is empowered to acquire lands to be used as a place for the burial of the dead. The said council shall also have power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the state, for use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, any portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots, and to sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease, and to prescribe what class or condition of persons shall be admitted to interment in the cemetery. The money from such sale or lease of burial lots shall be invested, used, and employed for use, protection, preservation, and ornamentation of said cemetery. The cemetery, when established or enclosed, with the property included in it, shall be exempt from all state, county, and municipal taxation.

Rules and regulations.

Cemetery.

The police.

21. The police force shall be under the control of the mayor, for the purpose of enforcing peace and order and executing the laws of the state and ordinances of the town. They shall also perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties and powers, each policeman is hereby made a conservator of the peace and endowed with all the powers of a constable in criminal cases, and all other powers which, under the laws of the state, may be necessary to enable him to discharge the duties of his office. The pay, uniform, rules, and regulations for said police shall be prescribed by the council.

Policemen conservators of the peace.

Penalty for violation of ordinances.

22. Where, by the provisions of this act, the council have authority to pass ordinances on any subject, they may prescribe any penalty, not exceeding five hundred dollars, for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall

be imprisoned in the prison of the town (or in the jail of Augusta county, until the said town has a jail of its own), for a term not exceeding ninety days, which penalties may be prosecuted and recovered, with cost, in the name of the town of Basic City, or shall compel them to work on the streets or other public improvements of the said town. But the jail of Augusta county is not to be subject to the use of the authorities of said town unless and until the board of supervisors of said county agree thereto by an order entered of record.

23. The town council shall not take or use any private property for streets or any public purposes without making to the owner thereof, just compensation for the same; but in case where the council cannot by agreement obtain title to the said ground for such purposes, it shall be lawful for said council to apply to and obtain from the circuit or county court of Augusta county authority to condemn the same, which shall be applied for and proceeded with according to law.

24. In every case where a street in said town has been, or shall be, encroached upon by any fence, building or otherwise, the council may require the owner (if known, or if unknown, the occupant of the premises encroaching) to remove the same, and if such removal be not made within the time prescribed by the council, they may impose a penalty of five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with cost, by the same process that they are hereinafter empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute any adverse possession to, or confer any rights upon, the person claiming thereunder, as against the said town.

25. Whenever any street, alley, or lane in said town shall have been opened and used as such by the public for the period of five years, the same shall thereby become a street, alley, or lane for public purposes, and the council shall have the same authority and jurisdiction over, and rights and interest therein, as they have by law over the streets, alleys, and lanes laid out by them; and any street or alley reserved in the division or sub-division into lots of any portion of the territory within the corporate limits of the said town, by a plan or plat of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designed for private use. But upon a petition of a majority of the persons interested therein, the council shall have power to open the same for the use of the public.

Side-walks,
foot-ways, etc.

Tax on real es-
tate for im-
provements
contiguous
thereto.

Pay of town
officers.

26. The council shall have power and authority to have the side-walks, curbing, and foot-ways along any street or alley within said town of such widths as they may prescribe, properly paved or suitably repaired and altered, whenever they may think fit, at the proper cost and expense of the owners or occupants of the lands or lots along the front or side of which such foot-ways or side-walks extend, and to levy and collect for that purpose special tax on each of such lots or pieces of land, proportioned to the number of feet of the same fronting on such pavements, and which special tax shall be collected by the sergeant of said town as other taxes on real estate within the said town are hereby directed to be collected. In all cases where lessee or tenant shall pay the expense of any such pavement or side-walk along the side or sides of the land or lot by him occupied, for which land or lot, by contract with his lessor or landlord, he shall be bound to pay rent, the amount of any such expense paid by him or collected from him, or made out of his property, shall be a good and valid setoff against so much of the rent due or accruing to his lessor or landlord, but two-thirds of the town council shall concur in voting said improvement.

27. The town council shall grant and pay to all town officers elected or appointed in pursuance of this act such salaries or compensation as the said council may from time to time deem just and proper, or shall be fixed by this act.

28. If any person, having been an officer of said town, shall not, within ten days after he shall have vacated or been removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the town the sum of five hundred dollars, to be sued for and recovered, with costs; and all books, records, and documents used in any such office, by virtue of any provisions of this act or of any ordinance or order of the town council or any superior officer of said town, shall be deemed the property of said town and appertaining to said office, and the chief officers thereof shall be responsible therefor.

CHAPTER IV.—TOWN OFFICERS.

Town sergeant;
his powers.

29. The sergeant of the town shall have and exercise the powers of a constable; and the mayor, justice of the peace, sergeant, and policeman, in criminal and police matters, shall have jurisdiction for one mile from the corporate limits of said town, but such jurisdiction shall not extend into the limits of the town of Waynesboro'.

30. The council may appoint, in addition to those here-
in provided for, such officers and clerks as they may deem
proper and necessary, and define their powers and pre-
scribe their duties and fix their compensation, and may
take from any officer, whether appointed by them or elect-
ed, a bond, with sureties to be approved by the council, in
such penalty as they may deem proper, payable to the
town by its corporate name, with the condition for the
faithful discharge of said duties.

Additional off-
cers; how ap-
pointed.

All officers appointed by the council may be removed
from office at its pleasure. In case of any vacancies oc-
curring in any municipal office, where it is not herein
otherwise provided, the town council shall elect a qualified
person to fill such office during the unexpired term and
until his successor is elected and qualified.

Removal of
officers.

31. The town treasurer shall qualify before the council,
and shall give bond, to be approved by the council, in
such sum as that body may prescribe. He shall receive
all money belonging to said town. He shall keep his
books and accounts in such manner as the council may
prescribe; and such books and accounts shall always be
subject to the inspection of the mayor and any member of
the council, or any committee thereof.

Treasurer to
give bond, etc.;
his duties.

32. No money shall be paid out by the treasurer except
on a warrant of the clerk of the council, countersigned by
the mayor; and he shall keep a separate account of each
fund and appropriation, and the debits and credits be-
longing thereto.

How money to
be paid out of
the treasury.

33. The treasurer shall also report to the town council
at the end of each fiscal year, and oftener, if required, a
full and detailed account of all receipts and expenditures
during the preceding fiscal year and the state of the
treasury. He shall also keep a register of all warrants,
their date, amount, number, and fund from which paid,
and the person to whom paid, specifying also the time of
payment; and all such warrants shall be examined at the
time of making such report to the town council, by com-
mittee thereof, who shall examine and compare the same
with the books of the clerk and report discrepancies, if
any, to the council.

Treasurer's re-
port.

34. The treasurer shall collect all taxes and assess-
ments which may be levied by said town, and perform
such other duties as may herein be prescribed or ordained
by the town council.

35. All moneys received on all special assessments shall
be held by the treasurer as a special fund, to be applied
to the payment of the matter for which the assessment
was made, and said money shall be used for no other pur-
pose whatsoever.

Money from
special assess-
ments.

36. The treasurer may be required to keep all moneys
in his hands, belonging to the town, in such place or

Town money;
where to be
kept.

places of deposits as the town council may by ordinance provide, order, establish, or direct, and such moneys shall be kept separate and distinct from the treasurer's own moneys. And he is hereby expressly prohibited from using, directly or indirectly the corporation money or warrants in his custody or keeping for his own use or benefit, or that of any person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office. In case of his removal, the town council shall elect a qualified person to fill said office for the unexpired term of the officer so removed. No person shall be allowed to qualify as treasurer the second time unless and until he shall have satisfactorily settled his accounts as treasurer for the preceding term; and if such settlement be not made on or before the regular time for his entering upon the duties of his office for another term, the office shall be considered vacant, and the vacancy shall be filled as hereinbefore provided.

Clerk of council;
his duties.

37. The clerk of the council shall attend the meetings of the council, and keep a record of the proceedings, and shall have the custody of the corporate seal of said town. He shall keep all papers that, by the provision of this act or the direction of the council, are required to be filed with or kept by him. It shall also be his duty, immediately after the close of each session of the town council, to make and present to the mayor a transcript of every ordinance, resolution, or order concerning any public improvement, or for the payment of money, and every ordinance, resolution, order and act of legislative character passed by the town council at such session. He shall, in like manner, transmit to the treasurer a transcript of all ordinances, resolutions, or orders appropriating money, or authorizing the payment of money, or the issue of bonds or notes. He shall, in like manner, give notice to all parties presenting communications or petitions to the town council of the final action of the council on such communication or petition. He shall publish such reports and ordinances as the town council are required by this act to publish, and such other reports and ordinances as they may direct, and shall, in general, perform such other acts and duties as the town council may from time to time require of him.

Reports and
ordinances.

Commissioners
of the revenue;
their duties.

38. The commissioner of the revenue shall perform all the duties in relation to the assessment of property, for the purpose of levying the town taxes, that may be ordered by the town council. He shall keep his office in some convenient place in said town, and shall keep therein such books, schedules, and records, and in such manner as the mayor and town council may direct and prescribe, which books, records, and other papers shall be subject to the inspection and examination of the mayor, the members of

the town council, or any committees thereof, and of the collector of town taxes. He shall receive for his services the fees allowed by law, and such other compensation as the town council may from time to time direct. The commissioner of the revenue, in ascertaining the value of real property taxable in said town, shall fix the same at the actual cash value of said property at the time of assessment, irrespective of the value assessed for the purpose of state taxation, until the next general assessment.

39. There shall be elected by the qualified voters of the town of Basic City, on the the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May in every second year thereafter, one town sergeant, who shall perform such duties as may be prescribed and ordained by the town council, and shall receive such compensation therefor, as the council shall determine. He shall be collector of town delinquent taxes placed in his hands by the town treasurer, and for that purpose shall have all the powers and authority, and be subject to the same liabilities and penalties, as are prescribed for county treasurers in the collection of state taxes and county levies, and may be proceeded against in the same manner, so far as applicable and not inconsistent with the provisions of this act. He shall pay over to the treasurer weekly, or oftener, if he thinks proper, all moneys which come into his hands, for taxes or otherwise, belonging to said town. He shall report to the council, in writing, at each stated meeting, the amount of all moneys collected by him for the town, and paid over as herein directed. Before entering upon the duties of his office, he shall enter into bond, with sureties to be approved by the council, in such sum as the council may direct, said bond to be payable to the town of Basic City, and conditioned for the faithful discharge of the duties of said office, and shall be entered on the records of the council, and the original shall be filed in the office of the clerk of the council.

Town sergeant.

Report of sergeant.

40. There shall be elected by the qualified voters of said town, on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May in every second year thereafter, one justice of the peace for said town, who shall be a resident of the said town, and shall hold office for the term of two years, and until his successor be elected and qualified, unless sooner removed from office. The said justice of the peace shall receive for his services, such fees as are provided by law in respect to justices of the peace in counties of this state, and shall qualify before the county court of Augusta county.

Justice of the peace.

CHAPTER V.—FINANCES.

Debts and
bonds.

41. The town council may, in the name of and for the use of the town, contract loans, or caused to be issued certificates of debts or bonds: provided that, for the purpose of supplying the town with water and lights, and for the improvement of the town in such other respects as the town council may deem advisable, the town council, at such time or times as it deems proper, is authorized to issue certificates of debts or bonds, for an amount not exceeding fifty thousand dollars; and provided that, after the issue of the said fifty thousand dollars of certificates of debts or bonds, no such certificates of debts or bonds shall be issued for an amount exceeding five thousand dollars for any one purpose, except by a two-thirds vote of the council, ratified by a majority of the freehold voters of the town voting on the question; but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four years: provided, further, that said council shall not contract such loan, or issue such certificates of debts or bonds, for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement or other purpose, without being first authorized so to do by three-fourths of the freehold voters of the town voting on the question: Provided, further, that in no case shall the aggregate debt of the town at any one time exceed ten per centum of the assessed value of the property, real and personal, within the town limits, unless the amount above allowed to be issued should exceed said ten per centum; and provided, further, that the said council shall not endorse the bonds of any company whatsoever, without the same authority. All contracts for the erection of public improvements within the jurisdiction of the town council shall be let to the lowest bidder, reserving the right to reject any and all bids, and notice shall be given at least thirty days before the work is finally let, by advertisement in one or more of the newspapers published in the town, and the party to whom said contract shall be let, shall give such bond as the council may require; but in no event shall any contract be let to any member of the town council, nor shall any member have any interest in such contract.

42. Whenever there shall be contracted by the council any debt, not payable within one year thereafter, there shall be set apart annually for thirty-four years, or until the debt is paid, a sum not less than one per centum of the amount of any debt, in addition to the annual interest agreed to be paid thereon, which sum shall be applied and invested towards the payment of such debt.

43. For the execution of its powers and duties, the town council may raise taxes annually, by assessments, in

said town, on all subjects taxable by the state, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient (in accordance with the laws of this state and the United States); provided that no tax upon real and personal property in said town shall exceed one dollar and fifty cents upon the one hundred dollars assessed value thereof: and provided also, that, if the council deem it expedient, they may provide, by resolution passed by two-thirds of the entire council, that no corporation tax shall be levied upon machinery, implements, money, and capital of any manufacturing establishment, actually in use for manufacturing purposes within the said town, for ten years from the first of January, eighteen hundred and ninety-two; but this proviso is not intended to apply to capital employed in purchasing articles manufactured outside of the town and brought there to be used in manufacturing.

May raise taxes
under certain
circumstances.

44. The town council may levy a tax on water, electric lights, and gas; on licenses to agents of insurance companies whose principal office is not located in said town; to auctioneers; to public theatricals or other performances or shows in said town, or within a mile of the corporate limits thereof; but not within the town of Waynesboro'; to keepers of billiard-tables and ten-pin alleys; to hawkers and peddlers; to agents for the renting of real estate; to commission merchants, and any other business licensed by the state.

45. Any payment of taxes made by the tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent.

46. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in the town for hire, and may require the keepers or owners of wagons, drays, and carts using them in the town to take out a license therefor, and may assess and require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and may prescribe their fees and compensation.

47. All goods and chattels, wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed.

48. There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed. The council may require real estate in the town delinquent for the non-payment of taxes to be sold for said taxes, with interest thereon, at the rate of ten per centum per annum, and

such per centum as the council may prescribe for charges. Such real estate may be sold and may be redeemed in the manner provided by law.

Fire department.

49. The town council may organize and maintain a fire department for the town, and appoint an engineer, assistants and other officers, with any and all the powers which have been or may be vested by law in such officers, and they may make rules and regulations for the government of the officers and men of said department; may prescribe their respective duties in case of fire, or alarms of fire; may fix their pay, and may impose reasonable fines for the breach of such regulations; and may make such ordinances as they may deem proper to extinguish and prevent fire; to prevent property from being stolen; and to require citizens to render assistance to the fire department in case of need.

50. For the purpose of guarding against the calamities of fires, the town council may, from time to time, designate such portions and parts of the town as they may deem proper within which buildings of wood may or may not be erected. They may prohibit the erection of wooden buildings in any portion of the town without their permission, and shall, on the petition of the owner or owners of at least one-half of the ground included in any square of the town, prohibit the erection on said square of any buildings, or addition to any building, unless the outer wall thereof be made of brick and mortar, or metal, and may provide for the removal of such building or addition which shall be erected contrary to such prohibition, at the expense of the builder or owner thereof; and if any such building shall have been commenced before said petition can be acted on by the council, or if any building in process of erection, or already built, appears clearly to be unsafe, the council may cause such building to be taken down, after reasonable notice to the owner.

Elections.

51. The said council shall, by ordinance, provide for any irregular election not herein provided for, and appoint the necessary officers to conduct the same.

When officers go into office.

52. All officers elected under this act shall enter upon the discharge of their duties upon the first day of July next succeeding their election, and shall continue in office for the term of two years, and until their successors are elected and qualified.

53. The jailor of Augusta county, or the person in charge of the prison of said town, is authorized to receive into the said jail or prison, without mittimus or warrant, all persons apprehended by the sergeant or any police officer of said town, for violation of the rules, regulations, by-laws, or ordinances, or disturbing the peace of said town, and shall be authorized to retain such persons in his custody until ten o'clock in the morning of the second

day, at which time they shall be discharged unless regularly committed to his custody by a mittimus or warrant, in which case the officer so receiving said parties shall be entitled to the fees provided to be paid when a person is committed under a warrant or mittimus of a justice of the peace.

54. No tax shall be levied or corporation debt contracted unless by a resolution passed by a recorded vote of a majority of the council.

55. No penalty shall be imposed under any ordinance until the same has been published for one week, either by publication in some newspaper published in the said town or by hand-bills posted in public places within the town.

56. The town council shall have power and authority, at any time after the passage of this act, to lay off new lots, streets, and alleys, and other lands not included within the limits of said town, and to include the same within the corporate limits thereof, with the consent of the owners of the land which they may desire so to include; or, if any such land be owned by an infant, feme covert, or person non compos mentis, imprisoned or not, within the commonwealth, or by any person disabled by law in any manner to give consent, then, in that case, with the consent of the county court of Augusta county.

57. All streets, cross-streets, and alleys which are not Streets, etc. already laid off and opened, or which may at any time be located, surveyed, and opened in said town, or in extending the same by the authorities of said town, shall be, and they are hereby, established as public streets and alleys of said town.

58. The qualified voters of Basic City shall have the right to determine by vote whether the sale of liquor shall be licensed in the limits of said town, in the manner provided "for submitting the question of liquor license to the qualified voters of counties, corporations, and magisterial districts" by chapter twenty-five of the code of Virginia (eighteen hundred and eighty-seven,) and amendments thereof; and the act of the legislature entitled an act "to authorized the voters of Waynesboro' and vicinity to determine by popular vote on the propriety of selling intoxicating liquors within certain limits," approved February nine, eighteen hundred and eighty-two, acts eighteen hundred and eighty-one and eighteen hundred and eighty-two, shall not apply to the territory within the limits of Basic City, but such territory shall be wholly exempt from the operation of said act. In granting license to sell liquor within the limits of said town, no place shall be deemed suitable by the court for that purpose unless such place be located where it may be conveniently and easily policed by the authorities of said town; and if the town council shall designate and

Whether the sale of liquor shall be allowed or not.

define by bounds a certain portion or portions of the said town as the portion or portions of said town to which the sale of liquor should be confined, then no person or firm shall be granted license to sell liquor outside of the said defined portion or portions of said town. No license to sell liquor within the territory outside the corporate limits of Basic City, extending one mile therefrom, shall be granted, the territory within the corporate limits of Waynesboro' being exempt from the operation of this act, and no license shall be granted to sell liquor at any place inside the corporate limits of Basic City, that is distant less than six hundred yards from the corporate limits of Waynesboro' as they ran the first day of December, eighteen hundred and ninety-one.

Public parks.

59. The council shall have power to acquire land for a public park or parks, to lay off the same into walks and driveways, and to ornament and otherwise improve said park or parks in any way deemed proper; to prescribe and enforce all needful rules and regulations, not inconsistent with the laws of the state, for the use, protection, and ornamentation of the said park or parks.

60. Whenever any new street shall be laid out, a street graded or improved, a culvert or sewer built, a sidewalk or gutter paved or curbed, or any other improvement made, the town council shall determine what portion, if any, of the expenses thereof, shall be paid out of the town treasury, and what portion by the owners of real estate benefited thereby. All real estate within the town exempt from taxation by law, shall pay the portion of cost of such improvements so assessed against the real estate; but no such improvement shall be made, the costs of which is to be defrayed by the owners of real estate benefited thereby, in whole or in part, by a local assessment, until first requested by a petition signed by at least a majority of the owners of the property to be assessed for such improvements, or unless two-thirds of the council shall concur in voting such improvement to be expedient. Any such assessment shall be collected as other taxes on real estate are collected in said town; and in all cases in which a lessee or tenant shall pay the expenses of such improvement assessed upon the land occupied by him, the amount of any such expenses paid by him, or made out of his property, shall be a valid off-set against so much of the rent due or accruing to his landlord, unless it is otherwise stipulated between said lessee or tenant and landlord.

61. And for more equal apportionment of the taxes upon the lots and buildings of said town, it shall be lawful for the council thereof, at such time and as often as may be deemed necessary by them, to appoint three freeholders, over twenty-one years of age, who, being first

duly sworn for that purpose, shall, without delay, proceed to value the lands, lots, and buildings, and improvements as may hereafter be made and erected within the limits of said town; which valuation, any two of said valuers concurring in the same, in writing, under the hands and seals of said valuers, or of the two concurring as aforesaid, shall be returned forthwith to the council of said town, to be entered of record upon their proceedings. And the council of said town, when assessing tax upon real estate thereof for any year, shall be regulated by the valuation so returned, which valuation shall be taken and considered as the valuation for the purpose aforesaid, until a new valuation shall be made. And if any person or persons shall consider themselves aggrieved by the valuation of said valuers, he or they shall have the privilege of appeal (within twenty day after the return of said valuation) to the council, whose decision thereon shall be final; but all the property assessable by the board of public works shall be exempt from said valuation.

62. The town of Basic City and the officers thereof, whether appointed by this act or hereafter elected or appointed in accordance with its provisions, shall be clothed with all the powers and be subject to all the provisions of the general laws of this state, except in so far as the same are in conflict with the provisions of this act.

63. This act shall be in force from its passage.

Commencem't.

CHAP. 16.—An ACT to amend and re-enact sections three, seven, eleven and fourteen of an act entitled an act to incorporate the town of Franklin, Southampton county, Virginia, approved March fifteenth, eighteen hundred and seventy-six, and amended as to section fourteen, by act approved February nineteenth, eighteen hundred and ninety, and to add two additional sections to the said act.

Approved December 19, 1891.

1. Be it enacted by the general assembly of Virginia, That sections three, seven, eleven and fourteen of an act entitled an act to incorporate the town of Franklin, Southampton county, approved March fifteenth, eighteen hundred and seventy-six, and amended as to section fourteen, by act approved February nineteenth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 3. The officers of the said town shall consist of a ~~mayor~~ ^{Officers.} mayor, six councilmen, a recorder, a sergeant and a street commissioner; the sergeant and street commissioner may

be the same person if the council think proper, and both shall be selected by the council. The mayor and councilmen shall compose the council of the town. The said officers shall hold their offices for two years and until their successors are duly elected and qualify, except that the sergeant and street commissioner may be removed by the council at any time for good cause.

Place of holding election for officers.

§ 7. That the election of officers provided for by this act, shall be held in the town of Franklin, on the fourth Thursday in May, eighteen hundred and ninety-two, and on the same day every alternate year thereafter, and the electoral board of the said county of Southampton shall appoint a registrar and three judges of election for said town, in like manner as they are appointed for the county, which judges may also act as commissioners of election. The said registrar and judges shall discharge their duties to the voters residing in the corporate limits of the said town in accordance with the general provision of law applying to registrars and judges.

Power to levy taxes.

§ 11. The said council shall have power to levy such taxes as they may deem necessary for the purposes of said town: provided that no tax upon the real and personal property in said town for town purposes, shall exceed the amount of fifty cents per annum upon the one hundred dollars assessed value thereof.

Power to purchase and hold real estate.

§ 14. The said town shall have the right to purchase and hold such real estate as it may deem necessary for street purposes or for the erection of public buildings, or for any other public purpose allowable by law. The council shall have the right to sell the interest of the town in the strip of land located therein, thirty by two hundred and ten feet in size, and located between the land of Frank Holland's heirs and Main street and First and Second avenues. And the council shall be allowed at any time to sell any land that the town may own, and that has ceased to be used for the purpose for which it was intended, and which the council may desire to dispose of.

2. Be it further enacted, That sections eighteen and nineteen be added to the said act, as follows:

Street commissioner.

§ 18. The street commissioner shall have general supervision of the streets under direction of the council; and he shall perform such other duties, and receive such compensation as the council may prescribe.

Electric light plant, water-works, etc.

§ 19. The town shall have the right to establish any electric light or gas plant, water-works, system of fire protection, or street railways, that the council may see fit, and use the same for the benefit of the town; and may also furnish its citizens with light, water, fire protection, or transportation on street railways, and receive compensation therefor; and no other person, persons, corpora-

tion, or corporations, shall exercise any of the aforesaid privileges in said town without having first obtained the right or franchise from the council of said town.

3. This act shall be in force from its passage.

Commencem't.

CHAP. 17.—An ACT to amend and re-enact chapter 129, Extra Session 1887, for the protection of terrapins.

Approved December 19, 1891.

1. Be it enacted by the general assembly of Virginia, That section sixty of an act entitled an act to amend and re-enact section sixty of chapter one hundred and one of the code of eighteen hundred and seventy-three, approved March ninth, eighteen hundred and eighty, as amended by an act approved May second, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows :

§ 60. If any person after the first day of May and before the fifteenth day of August of any year, shall take terrapins, or take or disturb terrapin eggs in the waters of the counties of Accomac, Northampton, Northumberland, Westmoreland, Lancaster, Richmond, Essex, and Isle of Wight, or shall have terrapins in his possession, or shall buy, or offer them for sale in said counties, he shall forfeit two hundred dollars and be confined in the county jail not exceeding thirty days. And if any person, after the first day of May and before the fifteenth day of August of any year, shall take terrapins with a seine, net or weir, in the counties aforesaid, he shall forfeit his boats, seines, and nets, and pay a fine of two hundred and fifty dollars and be confined in the county jail not less than thirty days.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 18.—An ACT to amend and re-enact section 3044 of the code of Virginia in relation to the counties and districts of county court judges.

Approved December 21, 1891.

1. Be it enacted by the general assembly of Virginia, That section three thousand and forty-four of the code of Virginia, be amended and re-enacted so as to read as follows :

§ 3044. Counties and districts of judges.—For each of the following counties—to-wit: Accomac, Albemarle, Ame-

lia, Amherst, Appomattox, Augusta, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Caroline, Carroll, Charlotte, Chesterfield, Clarke, Culpeper, Dinwiddie, Essex, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Greenville, Grayson, Halifax, Hanover, Henrico, Henry, Isle of Wight, King and Queen, King William, Lee, Louisa, Loudoun, Lunenburg, Mecklenburg, Montgomery, Nansemond, Nelson, Norfolk, Northampton, Nottoway, Orange, Page, Patrick, Pittsylvania, Prince Edward, Princess Anne, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Southampton, Spotsylvania, Sussex, Tazewell, Washington, Warren, Wise, and Wythe; and for each of the following districts—to-wit: Alleghany and Craig, Bath and Highland, Bland and Giles, Buchanan and Dickenson, Cumberland and Powhatan, Elizabeth City and Warwick, Fairfax and Alexandria county, James City, York, and City of Williamsburg, King George and Stafford, Madison and Greene, Middlesex and Mathews, New Kent and Charles City, Northumberland and Lancaster, Prince George and Surry, and Westmoreland and Richmond—there shall be one county court judge.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 19.—An ACT to authorize the issue of additional bonds and stock by the Chesapeake and Ohio railway company, and defining the purposes to which they may be applied.

Approved December 22, 1891.

Preamble.

Whereas the Chesapeake and Ohio railway company is making large expenditures in the improvement and extension of its railroads, and in the purchase of rolling stock, to meet the increasing demands of its freight and passenger traffic; and whereas it may be necessary hereafter to make still further improvement, extension, and acquisition of railroads, rolling stock, and other facilities, in order to furnish adequate accommodations for the growing business of the company; and whereas, for the purposes aforesaid, it may become necessary to issue additional bonds, to be secured by mortgage, and to further increase the capital stock of the company, and readjust or convert the several classes of shares into which the capital of the company is now divided; therefore,

1. Be it enacted by the general assembly of Virginia, That for the purpose of providing means to acquire or to

improve, complete or extend, its lines of railroad, or to build or acquire branches, or to acquire additional rolling stock or other property, needed for the development of the business of the company, or to extinguish or liquidate any indebtedness, at any time contracted for the purposes aforesaid, or in the course of its business, or for the purpose of converting or changing its several classes of stock, the Chesapeake and Ohio railway company may, with the approval of a majority, in amount, of all the stockholders of the company, issue its bonds to such amount as may be needed, and secure the same by one or more deeds of trusts or mortgages upon the railroad property and franchises of the corporation, or any part or parts thereof, and, with like approval of the stockholders, may, from time to time, increase its capital stock in such amounts as may be by said stockholders authorized, and may, also upon such terms as may be agreed upon with the parties interested, and to such extent as may be deemed expedient by the company, contract for and make the exchange or conversion of its present outstanding capital stock, common and preferred, or any of its bonded indebtedness, or any obligations guaranteed by it, into capital stock of a different class, or into bonds, or both: provided, however, that to protect the interest and to preserve the rights of the company and the stockholders and bondholders, the stock and bonds so converted may be held in the treasury of the company, upon such terms and conditions as may be agreed upon.

May issue bonds for certain purposes.

May increase its capital stock.

2. Any such deeds of trust or mortgages that may have been or may hereafter be executed, whether the same shall extend to or cover the whole or any part of such works or property or branches, shall entitle the purchaser or purchasers thereunder to the full benefit and enjoyment of such works and property, branch or branches embraced therein respectively, and all franchises necessary for the proper ownership and enjoyment thereof.

3. This act shall be in force from its passage.

Commencem't.

CHAP. 20.—An ACT to authorize the Chesapeake and Ohio railway company to construct or acquire branches or extensions and to issue its mortgage bonds thereon, or to hold stock in and guarantee the bonds of corporations owning such branches or extensions.

Approved December 22, 1891.

1. Be it enacted by the general assembly of Virginia, That the Chesapeake and Ohio railroad company be, and it hereby is, authorized to construct or acquire by pur.

chase, lease, or otherwise, and to maintain and operate branches or extensions, not to exceed in Virginia fifty miles in length, to any of the lines now or hereafter owned, leased, controlled, or operated by it within this state, or to purchase and hold stock of any other company owning any such branch or extension: provided that no competing line, nor the stock of the company owning any such competing line shall be acquired hereunder. It shall be lawful for the Chesapeake and Ohio railway company to create and issue its own bonds, and to secure same by one or more mortgages on any such branches or extensions, built or to be built, or which it may acquire by purchase; or to guarantee bonds issued by other corporations owning any such branches or extensions.

May create and
issue bonds.

Commencem't.

2. This act shall take effect from its passage.

CHAP. 21.—An ACT to give the consent of the commonwealth to the purchase or acquisition of real estate by the United States government, in the city of Roanoke, for a site for a public building for the accommodation of the United States court-room, post-office and other offices.

Approved December 22, 1891.

1. Be it enacted by the general assembly of Virginia, That the consent of the state of Virginia is hereby given and granted to the purchase or acquisition by the government of the United States, or under the authority of the same, of so much land as may, by said government, be deemed expedient for a site for a public building for the accommodation of the United States courts, post-office and other government offices, in the city of Roanoke and state of Virginia.

Concurrent jurisdiction.

2. That this state retain concurrent jurisdiction with the United States over such land, so that courts, magistrates, and officers of this state may take such cognizance, execute such process, and discharge such other legal functions within the same, as may not be incompatible with the consent hereby given.

Exempt from taxes.

3 The land so acquired, together with the tenements and appurtenances for the purposes before mentioned, shall be held exempt from all state and municipal taxation so long as the United States shall be, and remain the owners thereof.

Commencem't.

4. This act shall be in force from its passage.

CHAP. 22.—An ACT to amend the charter of the Newport News ship-building and dry dock company, by amending and re-enacting section 2 of chapter 51 of acts of assembly 1885-86, entitled an act to incorporate the Chesapeake dry dock and construction company, and section 4 of chapter 51 of acts of assembly 1885-86, entitled an act to incorporate the Chesapeake dry dock and construction company as amended and re-enacted by chapter 235 acts of assembly 1889-90, entitled an act to change the name of the Chesapeake dry dock and construction company to Newport News ship-building and dry dock company, and to amend and re-enact sections 1, 4, 6, 7 and 8 of chapter 51 of acts of assembly 1885-86, entitled an act to incorporate the Chesapeake dry dock and construction company.

Approved December 22, 1891.

1. Be it enacted by the general assembly of Virginia, That section two of chapter fifty-one of acts of assembly eighteen hundred and eighty-five-eighty-six, entitled "an act to incorporate the Chesapeake dry dock and construction company" and section four of chapter fifty-one of acts of assembly eighteen hundred and eighty-five-eighty-six, entitled an act to incorporate the Chesapeake dry dock and construction company as amended and re-enacted by chapter two hundred and thirty-five of acts of assembly eighteen hundred and eighty-nine-ninety, entitled an act to change the name of the Chesapeake dry dock and construction company to Newport News ship-building and dry dock company, and to amend and re-enact sections one, four, six, seven and eight of chapter fifty-one of acts of assembly eighteen hundred and eighty-five-eighty-six, entitled an act to incorporate the Chesapeake dry dock and construction company, be amended and re-enacted so as to read as follows:

The name changed to.

§ 2. The capital stock of said company shall not be less than one hundred thousand dollars, divided into shares of one hundred dollars each. Said company may, with the consent of a majority of the stockholders, increase its capital stock from time to time, to such an amount as may be necessary for constructing, operating and maintaining its works: provided the capital stock shall not exceed three million of dollars; such increase to be made at a regular or called meeting for the purpose, and upon such notice as may be necessary and proper. In all meetings of the stockholders each share shall be entitled to one vote, which vote may be cast in person or by proxy.

Capital stock.

§ 4. That the said Newport News ship-building and dry dock company is hereby authorized to build and repair steamships, ships, vessels and boats of all dimensions of wood, iron, steel or other materials, and to this end may construct suitable works and machinery and acquire by lease or purchase such real and personal property as it may deem necessary and convenient for its purposes: provided

Empowered to build steamships, etc.

the amount of land so acquired shall not exceed five hundred acres.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 23.—An ACT to repeal an act entitled an act to incorporate the Virginia sporting and athletic club.

Approved December 22, 1891.

1. Be it enacted by the general assembly of Virginia, That chapter six hundred and twenty-nine (629) of the acts of assembly of eighteen hundred and eighty-nine and ninety (1889-90), entitled an act to incorporate the Virginia sporting and athletic club, approved March sixth, eighteen hundred and ninety, be, and the same is hereby, repealed.

Commencem't. 2. This act shall be force from its passage.

CHAP. 24 —An ACT to incorporate the Rapid transit and improvement company of Norfolk, Virginia.

Approved December 22, 1891.

Corporators. 1. Be it enacted by the general assembly of Virginia, That Philip Corbin and Andrew Corbin, of New Britain, Connecticut, and New York city; Charles E. Wetmore, of Connecticut; M. Murphy, of Maryland; and F. L. Grandy, D. R. Dunn, and R. H. Rogers, of Virginia, and their associates, successors, and assigns, be, and they are hereby, declared to be a body corporate and politic by the name of the Rapid transit and improvement company of Norfolk, Virginia, and by that name and style are hereby invested with all rights, powers, and privileges conferred, and made subject to all regulations and general laws applicable to such institutions that are not inconsistent with this act.

Name.

Capital stock. 2. The capital stock of said corporation shall not be less than ten thousand dollars and not more than five hundred thousand dollars, divided into shares of one hundred dollars each. The above-named corporators, or any three of them, are hereby created a commission, and authorized to receive subscriptions for stock, and for this purpose may open subscription books in such manner as they may deem necessary, and keep the same open until the minimum amount named shall have been subscribed. There-

after, within their discretion, they may call a meeting of the subscribing stockholders and proceed to organize the company. From time to time thereafter the capital stock may be increased until the maximum amount named shall have been issued.

3. The said company shall have power to acquire, by gift, purchase, or otherwise, and to hold real estate in or within twenty miles of the city of Norfolk, to an amount not exceeding one thousand acres at any one time; and may grant and convey the same, either by lease or by deed, in fee or in trust. Said company may also lay off and beautify squares or parks, to be open to visitors upon such terms and under such regulations as the company may prescribe, and to adopt suitable rules and regulations for the enforcement of good order at such parks and squares. They are authorized to charge fees of admission to the same or to any part thereof.

May acquire
real estate.

4. Said company is authorized, with the consent of the councils of the city of Norfolk, to construct and operate a street railway, with single or double tracks, through any streets in the city of Norfolk not already occupied, or the right to occupy which has not been already granted to some other railway company by the councils of the city of Norfolk, upon such terms and under such regulations as the councils of the city of Norfolk may prescribe; and for the purpose of connecting with parks, or other improvements, the said company shall have the right to extend its tracks, or construct, maintain, and operate a railway or railways to any point within twenty miles of said city of Norfolk, in the counties of Norfolk and Princess Anne. It shall be lawful for the said company to operate and move its cars or trains by horse or mule power, cable, steam, electricity, or any other motive-power, and if electricity is adopted, to erect and maintain poles and wires, or other appurtenances necessary for the conduct of business by electricity.

May construct
along the
streets, etc.,
their road with
consent of
council and
county officials.

5. In addition to the issue of capital stock hereby authorized, it shall be lawful for the said company to issue bonds, secured by mortgage or deed of trust, upon its property and franchises, to an amount not exceeding five hundred thousand dollars.

Bonds, etc.

6. Said company may connect its railway with other railways now existing, or hereafter incorporated, by and with the consent and upon such terms as may be agreed upon with such railway or railways. Said company may lease or sell the whole or any part of its railway and appurtenances to any other connecting railway, or may lease or acquire from the owners of such railway the whole or any part of its railway or appurtenances.

May connect
with other
roads.

7. Said company is authorized to transport over its line or lines of railway, at such rates as it may adopt,

passengers, express matter, packages, or other articles of merchandise and produce, or other commodities.

Distance of
route from Nor-
folk city rail-
road.

8. Provided no right is hereby granted to occupy any street in the city of Norfolk nearer than two squares to any street occupied by the Norfolk city railroad, or Suburban and city railroad and improvement company, when such street, so occupied, is decided to be too narrow for the construction and operation thereon by the said railroads of a double track.

9. Provided, further, that nothing herein granted shall authorize the use of steam as a motive-power within the corporate limits of the city of Norfolk, except for the purpose of coming to or going from suburban improvements to such depot as the company may establish in the city.

10. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

11. The general assembly reserves the power to amend, alter, or repeal this charter at its pleasure.

Commencem't.

12. This act shall be in force from its passage.

CHAP. 25.—An ACT to incorporate the Russell fork coal and lumber company.

Approved December 22, 1891.

Corporators.

1. Be it enacted by the general assembly of Virginia, That A. S. Buford, John D. H. Ross, B. A. Simmons, I. H. Wing, A. L. Boulware, R. L. Traylor, W. E. Turner and F. W. Scott, and such persons as may be associated with them and their successors, are hereby created and constituted a body politic and corporate by the name and style of the Russell fork coal and lumber company, and by such name shall have perpetual succession, may contract and be contracted with, sue and be sued, make and use a common seal and alter the same at pleasure, and may make and maintain such by-laws, rules and regulations for the government of said corporation and the conduct of its business as may be deemed necessary, not to conflict with the laws or constitution of this state or of the United States.

Name and style.

Capital stock.

2. The capital stock of said company shall be not less than ten thousand dollars, to be divided into shares of one hundred dollars each, and the same may from time to time be increased by additional subscriptions, or the issue and sale of shares to such an amount, not exceeding two million five hundred thousand dollars, as the stockholders, at any general or special meeting, may authorize or pre-

scribe. The said company may receive subscriptions to its capital stock or payment for its shares so issued, in money, land or other property, upon such terms as may be agreed or authorized by the board of directors, and said company may give a preference to a portion of its capital stock over the residue thereof, as to dividends and the payment thereof.

3. The corporators herein above named, or any three of them, may receive subscriptions to the capital stock of said company; and when the minimum capital of ten thousand dollars shall have been subscribed, the said subscribers may organize said company by the election of six directors, of whom they shall elect one as president, to remain in office one year, and until their successors are elected, unless sooner removed by the stockholders. After organization as aforesaid, the stockholders, at any general meeting, may change the number of directors and may provide for the proper government of the corporation by such by-laws as they may deem fit and proper, as herein above authorized. The board of directors may appoint, or authorize to be appointed, such subordinate agents and officers of the company as they may deem necessary and proper for the proper dispatch of the business of the company.

Who may receive subscriptions.

Government of the corporation.

4. The said company is hereby authorized to carry on the business of developing, producing and dealing in coal, iron, zinc and other ores, metals and minerals; salt, oil, natural gas, marble, lumber and other natural materials; and of mining, coking, working, quarrying, smelting, cutting, sawing, manufacturing, transporting and vending the same, and may conduct such business at one or more points in the counties of Dickenson, Buchanan and Wise, or either of them, and in such other counties of this or any adjoining state in which the company may deem it proper to acquire property or establish works for that purpose; and for these purposes the said company shall have authority to buy, hold, sell, lease or otherwise dispose of any real or personal estate deemed necessary to the proper prosecution of its business, and may, on any property so acquired, erect and maintain buildings, machinery and structures needful for coking, smelting, manufacturing and treating ores, metals and minerals of whatever kinds, or for the production of lumber or of manufactured products from wood, stone, wool, cotton, hemp or other materials; and may operate, lease, sell or otherwise dispose of the same; and may, on its own lands, contiguous or adjacent to any such manufactory or works, erected or to be erected, survey and lay out lots, squares or other divisions of such lands, and improve the same by buildings or otherwise, for sale, lease, or other disposition or use, and may establish such lawful rules and regulations in the

Business which may be carried on.

May buy, hold, and sell real estate, etc.

Canals and
water-ways.

use thereof, as the board of directors of said company may deem best to secure the comfort and welfare of the occupants and others engaged or interested in any manufactory or works there established or to be established; and the said company may, in connection with the use or improvement of any of its properties, make, build, and operate any canals or waterways, tramways or railways, operated by horse or steam power, any such railway not to exceed in length fifty miles; and for this purpose, when necessary, acquire by contract or condemnation such lands or other property or rights of way as may be necessary therefor; proceeding for such condemnations to be in accordance with chapters fifty-six and fifty-seven of the code of Virginia, and the laws amendatory thereof: provided, that in case of the construction of any such railway, to be operated by steam power, and the condemnation of land therefor, as above provided, the said company in that event, as to such railway, shall be subject to all the duties, obligations and restrictions of common carriers, as prescribed by law.

Lawful to sell
its bonds.

5. It shall be lawful for said company, from time to time, to sell its bonds for such sums and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its works or business, and may secure the payment of the principal and interest thereof, by mortgages or deeds of trust upon all or any portion of its property, rights and franchises, including its franchises to be a corporation; and it shall be lawful for said company to subscribe to and hold shares in the capital stock of any railroad company or other corporation, whenever the board of directors shall deem it to be its interest to do so. Each stockholder in said company shall be entitled to one vote for each share held by him, and no stockholder shall be held individually liable for the debts or liabilities of the company in any larger or further sum than to such amount as may be due and unpaid severally upon his stock subscription. There shall be no limit, except as the by-laws of the company may prescribe, upon the number of shares of stock which any stockholder may hold, and four-fifths of the capital stock of the company may become the property of less than five persons, and a majority of the stock may, for more than six months, be the property of one person.

6. The acceptance of this charter, and organization thereunder, shall be deemed a waiver by said company of any right to pay taxes, or dues, or assessment, hereafter made from said company to the state of Virginia in coupons of this state, and shall be taken as an agreement on the part of said company to pay all of said taxes, dues and assessments in lawful money of the United States.

Commencem't.

7. This act shall be in force from its passage.

CHAP. 26.—An ACT to amend sections 1 and 2 of an act to incorporate the Douglas land company of Virginia, approved March 4th, 1890, and to substitute incorporators named in said act, and to extend the time within which the said company may be organized.

Approved December 22, 1891.

1. Be it enacted by the general assembly, That sections one and two of an act approved March fourth, eighteen hundred and ninety, entitled an act to incorporate the Douglas land company of Virginia, be amended and re-enacted so as to read as follows:

§ 1. That William P. Douglas, Douglas Robinson, junior, Archibald D. Russell, Daniel Trigg, and James S. Greever, or such of them as shall accept the provisions of the act approved March fourth, eighteen hundred and ninety, entitled an act to incorporate the Douglas land company of Virginia, as hereby amended, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Douglas land company of Virginia, and by that name shall be known in law, and shall have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity; may make and have a common seal, and may alter and amend the same at pleasure; exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act; and may make by-laws and regulations consistent with the laws of this state, for the transaction of business and the government of all under its authority, the management of its estate and properties, and the due and orderly conduct of its affairs.

§ 2. The capital stock of the said company shall not be less than *one million* dollars, and may be increased to any amount not exceeding five million dollars, by the issue and sale of shares, the par value of which shall not be less than one hundred dollars each, from time to time, under such regulations as the board of directors of said company shall prescribe; and the directors may receive real and personal property suitable to the business of the company, in payment of subscriptions for the capital stock, at such valuation as may be agreed upon between the directors and the subscribers.

§ 15. The time within which the organization of the said company shall take place shall be extended to two years from the passage of this act, and this act shall be in force from its passage.

Canals and
water-ways.

use thereof, as the board of directors of said company may deem best to secure the comfort and welfare of the occupants and others engaged or interested in any manufactory or works there established or to be established; and the said company may, in connection with the use or improvement of any of its properties, make, build, and operate any canals or waterways, tramways or railways, operated by horse or steam power, any such railway not to exceed in length fifty miles; and for this purpose, when necessary, acquire by contract or condemnation such lands or other property or rights of way as may be necessary therefor; proceeding for such condemnations to be in accordance with chapters fifty-six and fifty-seven of the code of Virginia, and the laws amendatory thereof: provided, that in case of the construction of any such railway, to be operated by steam power, and the condemnation of land therefor, as above provided, the said company in that event, as to such railway, shall be subject to all the duties, obligations and restrictions of common carriers, as prescribed by law.

Lawful to sell
its bonds.

5. It shall be lawful for said company, from time to time, to sell its bonds for such sums and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its works or business, and may secure the payment of the principal and interest thereof, by mortgages or deeds of trust upon all or any portion of its property, rights and franchises, including its franchises to be a corporation; and it shall be lawful for said company to subscribe to and hold shares in the capital stock of any railroad company or other corporation, whenever the board of directors shall deem it to be its interest to do so. Each stockholder in said company shall be entitled to one vote for each share held by him, and no stockholder shall be held individually liable for the debts or liabilities of the company in any larger or further sum than to such amount as may be due and unpaid severally upon his stock subscription. There shall be no limit, except as the by-laws of the company may prescribe, upon the number of shares of stock which any stockholder may hold, and four-fifths of the capital stock of the company may become the property of less than five persons, and a majority of the stock may, for more than six months, be the property of one person.

6. The acceptance of this charter, and organization thereunder, shall be deemed a waiver by said company of any right to pay taxes, or dues, or assessment, hereafter made from said company to the state of Virginia in coupons of this state, and shall be taken as an agreement on the part of said company to pay all of said taxes, dues and assessments in lawful money of the United States.

Commencement.

7. This act shall be in force from its passage.

CHAP. 26.—An ACT to amend sections 1 and 2 of an act to incorporate the Douglas land company of Virginia, approved March 4th, 1890, and to substitute incorporators named in said act, and to extend the time within which the said company may be organized.

Approved December 22, 1891.

1. Be it enacted by the general assembly, That sections one and two of an act approved March fourth, eighteen hundred and ninety, entitled an act to incorporate the Douglas land company of Virginia, be amended and re-enacted so as to read as follows:

§ 1. That William P. Douglas, Douglas Robinson, junior, Archibald D. Russell, Daniel Trigg, and James S. Greever, or such of them as shall accept the provisions of the act approved March fourth, eighteen hundred and ninety, entitled an act to incorporate the Douglas land company of Virginia, as hereby amended, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Douglas land company of Virginia, and by that name shall be known in law, and shall have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity; may make and have a common seal, and may alter and amend the same at pleasure; exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act; and may make by-laws and regulations consistent with the laws of this state, for the transaction of business and the government of all under its authority, the management of its estate and properties, and the due and orderly conduct of its affairs.

§ 2. The capital stock of the said company shall not be less than *one million* dollars, and may be increased to any amount not exceeding five million dollars, by the issue and sale of shares, the par value of which shall not be less than one hundred dollars each, from time to time, under such regulations as the board of directors of said company shall prescribe; and the directors may receive real and personal property suitable to the business of the company, in payment of subscriptions for the capital stock, at such valuation as may be agreed upon between the directors and the subscribers.

§ 15. The time within which the organization of the said company shall take place shall be extended to two years from the passage of this act, and this act shall be in force from its passage.

CHAP. 27.—An ACT to appropriate the sum of eight thousand one hundred and sixty-three dollars and forty-four cents to pay certain indebtedness of the Southwestern lunatic asylum of Virginia.

Approved December 22, 1891.

Preamble.

Whereas it appears from the reports of the directors of the Southwestern lunatic asylum, that for several years past the annual appropriation has not been sufficient to maintain said asylum, in consequence of which this asylum has been left in debt year by year, until that indebtedness now amounts to the sum of eight thousand one hundred and sixty-three dollars and forty-four cents, which is shown by the last annual report of said asylum; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of eight thousand one hundred and sixty-three dollars and forty-four cents, is hereby appropriated to pay off said indebtedness of the Southwestern lunatic asylum, mentioned in the foregoing preamble, out of any money in the treasury of Virginia not otherwise appropriated; and the auditor of public accounts is authorized and directed to draw his warrant upon the treasurer of this state for said amount of money, in favor of the Southwestern lunatic asylum, to be paid over to the proper officers of that asylum, for the purpose of paying the indebtedness aforesaid.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 28.—An ACT to incorporate the Port Norfolk electric railway company.

Approved December 22, 1891.

Corporators.

1. Be it enacted by the general assembly of Virginia, That Reid Carpenter, of Mansfield, Ohio; William H. Stewart, of Portsmouth, Virginia; S. M. Carper, of Cincinnati, Ohio; M. W. Mason, of Norfolk, Virginia, and H. B. Mason, of Norfolk county, Virginia, or such of them as may accept the provisions of this act, and such other persons as they may associate with them, their successors or assigns, be, and are hereby, incorporated and declared a body corporate and politic by the name of the Port Norfolk electric railway company, and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend or be defended in all courts, whether in law or in equity, and make and have a common seal, and alter and renew the same at pleasure, and shall enjoy and exercise

Name of company.

all the rights, powers and privileges pertaining to corporate bodies and to natural persons necessary for the purposes of this act.

2. The said company shall have power and authority to construct, equip, maintain, and operate a railroad from Port Norfolk, in the county of Norfolk, to and into the city of Portsmouth, and to any other point within the county of Norfolk, by such route or routes as the said company may adopt; with the consent of the board of supervisors of the county of Norfolk, the said company may use the public roads and streets of Portsmouth by and with the consent of its council.

Point of beginning and ending of road.

3. It shall be lawful for said company to transport passengers, freight, and baggage, and the mails of the United States, and to collect fare and tolls for the same; and to use horses, steam, or electric power to propel the cars on the said road.

4. The said company shall have power to acquire, and hold such real estate and personal property as may be necessary for the proper and successful carrying out of the purposes and business of said company, and shall have the right to enter, by its agents, upon, and cause to be condemned, such land as may be needed for said purposes, as prescribed by law for the condemnation of lands for works of internal improvement; and for its purposes may use the road of any turnpike company, with the consent of said company, or cross any navigable stream with suitable draw-bridge.

Real estate.

5. It shall be lawful for said company to issue bonds for the construction and equipment of its road, and to secure payment of the principal and interest of the same by a mortgage or deed of trust on its property, franchises, and so forth.

Bonds, etc.

6. Subscriptions to the capital stock of said company may be made in money, materials, labor, or lands, and said company may also acquire lands by gift or purchase, and shall have power to have and sell the same: provided that the amount of lands shall not exceed one thousand acres. And the commission and the directors may receive labor, supplies, material, lands, rights of way, water rights and other property, real or personal, in payment for subscriptions to the capital stock at such valuations as shall be agreed upon between the directors or commission and the subscribers. The capital stock of said company shall not be less than ten thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of the par value of one hundred dollars, and may be increased from time to time as the stockholders may determine; each share of stock shall be entitled to one vote.

Subscriptions to capital stock.

Capital stock.

7. No stockholder of said company shall be held or made responsible for its debts and liabilities in a larger

Liabilities of stockholders.

or further sum than the amount of any unpaid balance due to the said company for stock subscribed for by said stockholders.

8. The said William H. Stewart and M. W. Mason are hereby authorized and created a commission to receive subscriptions for stock, and for this purpose they may open books of subscription in such manner as they may deem proper, and keep them open until aforesaid incorporators or other persons have subscribed the minimum amount of the capital stock, or more, and thereafter, within their discretion, they may call a meeting of the stockholders who may proceed to organize the company. General or special meetings of the stockholders may be held on notice of the time and place of such meeting given to each stockholder in person, or by writing mailed to his address, at his usual post-office, ten days prior to the date of such meeting, or by publication of such notice in some newspaper of general circulation in the state for two weeks prior to the date of such meeting. The board of directors may appoint, or authorize to be appointed, such subordinate agents and officers of the company as they may deem necessary and proper for the proper discharge of the business of the company.

Officers.

9. The board of directors shall be stockholders in said company; they shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the minimum amount of capital stock herein named shall have been subscribed, and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of business.

Electric plant.

10. The said company shall have power to establish and maintain, in the county of Norfolk and city of Portsmouth, one or more electric plants, for the purpose of furnishing electric light, power, and traction to the public, and to private individuals and corporations or other railroads.

Time in which
to be com-
menced.

11. The work on said railway shall be commenced within two years and completed within ten years of the passage of this act.

12. The said company shall have power to cross, unite, consolidate, or connect with any line of street railway constructed or to be constructed in this state; and it may acquire by lease or purchase, or by lease or purchase may be acquired by any railway constructed, or to be constructed in this state.

Taxes.

13. Said corporations shall pay all debts, dues, and demands of the state of Virginia in lawful money of the United States, and not in coupons.

Commencem't.

14. This act shall be in force from its passage.

CHAP. 29.—An ACT to authorize the Virginia pyrites mining company to construct a railroad or railroads connecting its mines and lands with other railroads.

Approved December 22, 1891.

Whereas the Virginia pyrites mining company, chartered in pursuance of the laws of the state of Virginia, by decree of the circuit court of the city of Richmond, entered on the twenty-first day of April, eighteen hundred and ninety-one, on the petition of G. N. Shuman, E. C. McCulloch, W. H. Mann, and others, desire the privilege of connecting its mines, in the county of Louisa, by railroad with other railroads of this state, for the transportation of their ores, minerals, and other products to market; therefore,

1. Be it enacted by the general assembly of Virginia, That the said Virginia pyrites mining company shall have the power and authority to construct a railroad or railroads, beginning at any point upon its own land and extending thence not more than ten miles, connecting its mines and works, or any or all of its lands, with the railroad built by the Sulphur mines company of Virginia, under and by virtue of an act of the general assembly of Virginia, approved March seventh, eighteen hundred and eighty-four, and which runs from a point near the shaft of the Virginia pyrites mining company to the Chesapeake and Ohio railroad company, at or near Mineral City, in the county of Louisa, and connecting its said mines, lands, works, and so forth, with any other railroad or work of internal improvement in this state, and to operate and maintain the same; and to this end and purpose may cause the condemnation of all necessary land, or, when the land traversed is mineral land, may condemn an easement therein according to the method prescribed by the laws of this state for the condemnation of the fee simple.

Power and authority to construct a railroad.

2. The said company may, after construction, lease its roads, or any of them, to any railroad or railroads in the state of Virginia, and may make any contract or arrangement with said railroad for the use of its rolling stock and motive power, or for the transportation of its ores, mineral, and products, as it may deem best, not inconsistent with the general laws of the state.

3. The said company shall have all other rights, powers, and privileges conferred by the laws of the state on corporations created for the construction and operation of railroads, and be subject to all conditions and limitation imposed upon said corporations.

Rights and power.

4. This charter is granted upon condition that all taxes due to the commonwealth by the said company shall be

Conditions of charter.

paid in money, and not in coupons cut from the bonds of the state.

5. The general assembly reserves the power to amend, alter, or repeal this charter at its pleasure.

Commencem't.

6. This act shall be in force from its passage.

CHAP. 30.—An ACT amending sections 58, 59 and 60, of the code of Virginia, in relation to a re-apportionment of representations in the general assembly.

Approved December 23, 1891.

1. Be it enacted by the general assembly of Virginia, That sections fifty-eight, fifty-nine and sixty, of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 58. That the members of the house of delegates shall be elected on the Tuesday succeeding the first Monday in November, eighteen hundred and ninety-three, and biennially thereafter, on the Tuesday succeeding the first Monday in November, and be distributed and apportioned as follows:

Accomac shall have one delegate.

Albemarle and city of Charlottesville shall have two delegates.

Alexandria city and county shall have one delegate.

Alleghany, Bath and Highland shall have one delegate.

Amherst shall have one delegate.

Augusta and city of Staunton shall have two delegates.

Bedford shall have two delegates.

Botetourt shall have one delegate.

Brunswick shall have one delegate.

Buchanan, Dickenson and Wise shall have one delegate.

Buckingham and Cumberland shall have one delegate.

Campbell shall have one delegate.

Campbell and Appomattox shall have one delegate.

Caroline shall have one delegate.

Carroll shall have one delegate.

Charlotte shall have one delegate.

Chesterfield, Manchester and Powhatan shall have two delegates.

City of Lynchburg shall have one delegate.

Clarke and Warren shall have one delegate.

Craig, Roanoke city and county shall have two delegates.

Culpepper shall have one delegate.

Dinwiddie shall have one delegate.

Elizabeth City and Accomac shall have one delegate.

Essex and Middlesex shall have one delegate.

Fairfax shall have one delegate.

Fauquier shall have one delegate.
 Floyd and Franklin shall have one delegate.
 Fluvanna and Goochland shall have one delegate.
 Franklin shall have one delegate.
 Frederick and Winchester city shall have one delegate.
 Gloucester and Mathews shall have one delegate.
 Grayson shall have one delegate.
 Greene and Madison shall have one delegate.
 Greenville and Sussex shall have one delegate.
 Halifax shall have two delegates.
 Hanover shall have one delegate.
 Henrico shall have one delegate.
 Henry shall have one delegate.
 Isle of Wight shall have one delegate.
 King and Queen shall have one delegate.
 King William and Hanover shall have one delegate.
 Lancaster and Richmond shall have one delegate.
 Lee shall have one delegate.
 Loudoun shall have one delegate.
 Loudoun and Fauquier shall have one delegate.
 Louisa shall have one delegate.
 Lunenburg shall have one delegate.
 Mecklenburg shall have one delegate.
 Montgomery shall have one delegate.
 Nansemond shall have one delegate.
 Nelson shall have one delegate.
 New Kent, Charles City, James City, York, Warwick, and
 city of Williamsburg shall have one delegate.
 Norfolk city shall have two delegates.
 Norfolk county shall have one delegate.
 Northampton and Accomac shall have one delegate.
 Northumberland and Westmoreland shall have one del-
 egate.
 Nottoway and Amelia shall have one delegate.
 Orange shall have one delegate.
 Page and Rappahannock shall have one delegate.
 Patrick shall have one delegate.
 Petersburg city shall have two delegates.
 Pittsylvania and city of Danville shall have four del-
 egates.
 Portsmouth shall have one delegate.
 Prince Anne shall have one delegate.
 Prince Edward shall have one delegate.
 Prince George and Surry shall have one delegate.
 Prince William shall have one delegate.
 Pulaski and Giles shall have one delegate.
 Rappahannock shall have one delegate.
 Richmond city shall have five delegates.
 Rockbridge shall have two delegates.
 Rockingham shall have two delegates.
 Russell shall have one delegate.

Scott shall have one delegate.

Shenandoah shall have one delegate.

Southampton shall have one delegate.

Smyth and Bland shall have one delegate.

Spotsylvania and city of Fredericksburg shall have one delegate.

Stafford and King George shall have one delegate.

Tazewell shall have one delegate.

Washington shall have two delegates.

Wythe shall have one delegate.

§ 59. The state shall be divided into thirty-nine districts, entitled to senators as follows:

Washington and Smyth shall form the first district, and be entitled to one senator.

Scott, Lee, and Wise shall form the second district, and be entitled to one senator.

Russell, Buchanan, Dickenson, and Tazewell shall form the third district, and be entitled to one senator.

Montgomery, Roanoke, Roanoke city, and Craig shall form the fourth district, and be entitled to one senator.

Pulaski, Wythe, Bland, and Giles shall form the fifth district, and be entitled to one senator.

Carroll, Grayson, and Patrick shall form the sixth district, and be entitled to one senator.

Rockbridge, Botetourt, Alleghany, Bath, and Highland shall form the seventh district, and be entitled to one senator.

Rockingham shall form the eighth district, and be entitled to one senator.

Augusta and Staunton shall form the ninth district, and be entitled to one senator.

Shenandoah, Frederick, and Winchester shall form the tenth district, and be entitled to one senator.

Fauquier and Loudoun shall form the eleventh district, and be entitled to one senator.

Clarke, Page, and Warren shall form the twelfth district, and be entitled to one senator.

Spotsylvania, Stafford, Louisa, and Fredericksburg shall form the thirteenth district, and be entitled to one senator.

Alexandria, Fairfax, Prince William, and Alexandria city shall form the fourteenth district, and be entitled to one senator.

Culpeper, Rappahannock, Madison, and Orange shall form the fifteenth district, and be entitled to one senator.

Powhatan, Goochland, Chesterfield, and Manchester shall form the sixteenth district, and be entitled to one senator.

Albemarle, city of Charlottesville, and Greene shall form the seventeenth district, and be entitled to one senator.

Buckingham, Fluvanna, and Appomattox shall form the eighteenth district, and be entitled to one senator.

Amherst and Nelson shall form the nineteenth district, and be entitled to one senator.

Campbell and Lynchburg shall form the twentieth district, and be entitled to one senator.

Halifax shall form the twenty-first district, and be entitled to one senator.

Bedford shall form the twenty-second district, and be entitled to one senator.

Pittsylvania, Danville, and Henry shall form the twenty-third district, and be entitled to one senator.

Pittsylvania and Danville shall form the twenty-fourth district, and be entitled to one senator.

Charlotte and Mecklenburg shall form the twenty-fifth district, and be entitled to one senator.

Franklin and Floyd shall form the twenty-sixth district, and be entitled to one senator.

Greensville, Sussex, Surry and Prince George shall form the twenty-seventh district, and be entitled to one senator.

Lunenburg, Nottoway and Brunswick shall form the twenty-eighth district, and be entitled to one senator.

Petersburg and Dinwiddie shall form the twenty-ninth district, and be entitled to one senator.

Amelia, Cumberland and Prince Edward shall form the thirtieth district, and be entitled to one senator.

Norfolk city and Princess Anne shall form the thirty-first district, and be entitled to one senator.

Southampton, Isle of Wight and Nansemond shall form the thirty-second district, and be entitled to one senator.

Portsmouth and Norfolk county shall form the thirty-third district, and be entitled to one senator.

Hanover and Caroline shall form the thirty-fourth district, and be entitled to one senator.

Richmond city and Henrico shall form the thirty-fifth district, and be entitled to two senators.

King George, Richmond, Westmoreland, Northumberland and Lancaster shall form the thirty-sixth district, and be entitled to one senator.

Accomac and Northampton shall form the thirty-seventh district, and be entitled to one senator.

Elizabeth City, Warwick, York, James City, Charles City, New Kent and King William shall form the thirty-eighth district, and be entitled to one senator.

King and Queen, Middlesex, Gloucester, Essex and Mathews shall form the thirty-ninth district, and be entitled to one senator.

§ 60. The senators shall be elected for the term of four years. Those to be elected in districts bearing odd numbers, shall be elected on the Tuesday succeeding the first Monday in November, eighteen hundred and ninety-three, and thereafter on the Tuesday succeeding the first Monday

in November in every fourth year; and those to be elected in districts bearing even numbers, shall be elected on the Tuesday succeeding the first Monday in November, eighteen hundred and ninety-five, and thereafter on the Tuesday succeeding the first Monday in November in every fourth year. But the districts bearing even numbers, as they have heretofore been arranged, shall not be considered as affected by this act until said election herein provided for, to be held on Tuesday succeeding the first Monday in November, eighteen hundred and ninety-five.

CHAP. 31.—An ACT to incorporate the Virginia investment association.

Approved December 23, 1891.

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| Corporators. | 1. Be it enacted by the general assembly of Virginia, That W. H. Bolling, Adolph Boissevain, John H. Dinger, Joseph I. Doran, S. W. Colton, junior, or such of them as may accept the provisions of this act, their associates and successors, be, and they are hereby, incorporated and made |
| Name and style. | a body politic and corporate under the name and style of the Virginia investment association, and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity; and may make and have a common seal, and alter and renew the same at pleasure, and shall have, |
| Rights and privileges. | enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purpose of this act; and may make by-laws, rules, and regulations consistent with the existing laws of the state for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs. |
| Capital stock. | 2. The capital stock of the said corporation shall not be less than one hundred thousand dollars, and may, with the consent of a majority of its stockholders, be fixed at, and be increased from time to time to any additional amount requisite for its operations by the issue or sale of shares, the par value of which shall not be less than fifty dollars, from time to time, upon such terms and conditions, under such regulations; and such part of its capital stock to be preferred, and such part common as the board of directors of said corporation shall prescribe; and the directors may receive land, materials, services, or other valuable thing in payment or exchange for such issues or sale of the capital stock, at such valuation or price, and on |

such terms and conditions as may be fixed or approved by them, and at, above, or below the par thereof; and the stock of the corporation so issued shall for all purposes be treated as paid for at par in money, without any liability whatever thereon or upon the holders thereof to pay any calls or assessments on account thereof, except as may be agreed; and common shares, entitling the holder thereof only to a share in the net profits of the corporation, to be earned after the payment of fixed charges and dividends on the preferred shares, and not liable to any calls or assessments whatever, may be so created and issued.

3. The said corporation is authorized and empowered to make advances or loans of money on real or personal estate, or any other kind of property or security; to purchase, hold and convey the obligations, mortgages and securities, negotiable or otherwise, of corporations, associations and individuals; to purchase, hold and convey lands (not exceeding, however, two thousand acres in fee simple, in any one county) and interests in lands in this state or elsewhere; to till, mine and quarry, and construct, lease, and sell dwellings, stores and other buildings, and otherwise use, operate, develop and improve lands and interests in lands, and generally to conduct the business of an investment corporation, with the power to said corporation to purchase, hold, use, sell, mortgage and dispose of property of any kind suited to the business of the said corporation, and to borrow money, issue and sell its bonds or obligations, negotiate paper, and secure the same by pledge, or mortgage, or deed of trust of all or any part of its property.

4. The persons first named in this act, or such of them as shall accept the provisions hereof, shall constitute the first board of directors of the said corporation, shall organize said corporation, and shall continue in office until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting, so many directors shall be elected as may be prescribed by the by-laws and regulations of said corporation, who may be removed by the stockholders in general meeting; but unless so removed, shall continue in office until their successors shall be elected and qualified. Each stockholder in the corporation shall, at all meetings or elections thereafter, be entitled to one vote for each share of stock registered in his name.

5. The board of directors shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the board of directors shall have elected a president, and the minimum amount of capital stock herein named shall have been issued or sold, said corpor-

ation shall be considered legally organized, and may proceed to the transaction of business. The board shall appoint, to hold during its pleasure, the subordinate officers and agents of the said corporation, prescribe their compensations, and take from them such bonds, with security, as they may deem fit. Stockholders, not exceeding three in number, elected or appointed in such manner and for such term as the by-laws may prescribe, and to receive such compensation for their services as may be agreed upon, may act with the officers and directors as an advisory committee or managers, and may, as such committee or managers, be made ex-officio members of the board of directors.

Offices and
agencies.

6. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the corporation shall be located at some point within the limits of the state of Virginia.

Time and place
of holding an-
nual meeting.

7. The annual meeting of the stockholders of the said corporation shall be held at such time and place in the state of Virginia as the by-laws of the corporation or the stockholders may, by resolution adopted at any annual meeting to take effect at the next annual meeting, prescribe. A general meeting of the stockholders of said corporation may be held at any time, as provided for by the eleven hundred and fourteenth section of chapter fifty-seven of the code of Virginia, edition of eighteen hundred and eighty-seven.

8. The said corporation shall issue certificates of stock in said corporation in shares of not less than fifty dollars each, signed by the president and countersigned by the secretary of said corporation. The said certificates shall be transferable only upon the books of the corporation by the said subscribers, their personal representatives, or duly authorized agent or attorney; and the said certificates, when so transferred as aforesaid, may be returned to the said corporation and cancelled, and new certificates of stock shall be issued in lieu thereof to the persons entitled thereto for a like number of shares.

May issue and
sell bonds.

9. It shall be lawful for said corporation to issue and sell its bonds, from time to time, for such sums and on such terms as the board of directors may deem expedient and proper in the prosecution of its business, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property or franchises, including its franchises to be a corporation; and it shall be lawful for said corporation to subscribe for or acquire by purchase, exchange, or otherwise, the shares and bonds of any corporation or association of this state or elsewhere, and for any corporation or association of this state or elsewhere to acquire, guarantee, or hold the shares and bonds of the said corporation.

10. No stockholder in said corporation shall be held ^{Liability of stockholders.} liable or made responsible for its debts and liabilities than a larger or further sum than the amount of any unpaid balance due to the said corporation upon his stock according to the terms of the issue or sale thereof.

11. All taxes and debts due or to become due the state ^{Taxes.} of Virginia by the corporation shall be paid in lawful money of the United States, and not in coupons.

12. This act shall be force from its passage; but the ^{Commencem't.} general assembly of the state of Virginia reserves the right to modify, alter, or repeal this act at any time hereafter.

CHAP. 32.—An ACT to incorporate the Portsmouth electric railway company.

Approved December 23, 1891.

1. Be it enacted by the general assembly of Virginia, ^{Corporators.} That Virginius Butt, C. S. Sherwood, John W. H. Porter, A. J. Phillips, and Edward Mahoney, and their associates and successors, be, and are hereby, constituted a body politic and corporate by the name and style of the Portsmouth electric railway company.

2. The capital stock of the company shall not be less ^{Capital stock.} than ten thousand dollars nor more than one hundred thousand dollars, divided into shares of one hundred dollars each.

3. The said company shall have power and authority to construct, equip, maintain, and operate a street railway along the streets of the city of Portsmouth, with the consent of the council thereof, and may extend their said railroad track into the county of Norfolk, and may use the public roads of said county, with the consent of the board of supervisors of said county; and may operate the said railway by horses, electricity, or cable.

4. It shall be lawful for the said company to transport freight and passengers and baggage over the line of their railway, and to collect fare and tolls for the same.

5. The said company shall have power to acquire and ^{May acquire and hold real estate.} hold such real estate and personal property as may be necessary to successfully carry on their business; and shall have the power to condemn lands for their purposes, under the general laws of the state providing for the condemnation of lands for the use of corporations and works of internal improvement.

6. The said company shall have power and authority to lease its said road, or to lease, purchase, or consolidate with any other street railway company in the city of

Portsmouth or the county of Norfolk, adjacent to said city, that has already been, or may hereafter be incorporated under the laws of this state, and may borrow money for the use of said company, and issue bonds for the same, and may issue notes for money borrowed, and may secure the said notes and bonds by deed of trust or mortgage on all or part of its property and franchises.

7. The said company may acquire land in payment of subscriptions to its stock, and may sell, lease, or otherwise dispose of the same.

Subscriptions
to capital stock.

8. The incorporators herein named, or as many of them as accept the terms of this act, are hereby appointed commissioners to receive subscriptions to the capital stock, after giving due notice for five days, in such manner as they may deem proper and best, either by advertisement in some newspaper published in the city of Portsmouth, or by notice posted at the door of the court-house in said city, of the time and place of opening the books for said subscription; and when the minimum amount of the said stock shall have been subscribed, shall have authority to call a meeting of the stockholders for organization.

9. At the first meeting of the stockholders of said company, held in pursuance of the foregoing section, the said stockholders shall elect a board of not less than five directors, one of whom shall be designated as president. This board shall frame by-laws for the government of the corporation and its agents, subject to alteration by the stockholders in general meeting.

10. The said railway company is hereby authorized and empowered to use, on any portion of its line, the track of any other railway company, with the consent of said railway company; and may cross with its track, either at, above, or below grade, the track of any other railway company, and may connect its track with the track of such railway company, with its consent, and upon such terms as may be agreed upon.

General meet-
ings of council.

11. General meetings of the stockholders shall be convened at least once every year, by order of the board of directors, and special meetings shall be called by the said board whenever requested by persons holding a majority of the stock of said company, and at all meetings of the stockholders, each share of stock represented, either in person or by proxy, shall be entitled to one vote.

Taxes.

12. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

Commencem't.

13. This act shall be in force from its passage.

CHAP. 33.—An ACT to authorize the Old Dominion land company to guarantee the bonds and to subscribe to, purchase, or otherwise acquire the stock of any joint stock company located or doing business at or near Newport News, in the county of Warwick, state of Virginia, and confirming the guarantee of the bonds and the subscription to or purchase of the stock of any such joint stock company heretofore made by it.

Approved January 9, 1892.

1. Be it enacted by the general assembly of Virginia, That it may and shall be lawful for the Old Dominion land company, a corporation duly chartered by order of the circuit court of the city of Richmond, entered on the nineteenth day of October, in the year eighteen hundred and eighty, and duly recorded as provided by law, to guarantee the bonds, and to subscribe to, purchase, or otherwise acquire the stock of any joint stock company located or doing business now, or at any time hereafter, at or near Newport News, in the county of Warwick, state of Virginia. May guarantee bonds.

2. That any guarantee of the bonds or subscription to or purchase of the stock of any such joint stock company heretofore made by the said Old Dominion land company before the passage of this act, be, and the same is hereby, confirmed and legalized. Previous guarantees legalized.

3. That this act shall be in force from and after its passage. Commencem't.

CHAP. 34.—An ACT for the relief of John F. Rison.

Approved January 9, 1892.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, instructed to draw his warrant upon the treasurer of the state in favor of John F. Rison, for the sum of two hundred dollars, being the amount paid by him as tax upon a charter "to incorporate the Big Ax coal, coke and iron company," provided for under an act approved seventeenth February, eighteen hundred and eighty-nine, because said act has been so amended as to render said charter worthless. Tax and charter to be refunded.

2. This act shall be in force from its passage. Commencem't

CHAP. 85.—An ACT to amend and re-enact sections 1, 2, 3, 4, 7 and 10, of the charter of the Newport News light and water company.

Approved January 9, 1892.

1. Be it enacted by the general assembly of Virginia, That sections first, second, third, fourth, seventh and tenth, of the charter of the Newport News light and water company, a corporation duly chartered by order of the judge of the circuit court of the county of Warwick, in the state of Virginia, entered in vacation on the eighth day of August, in the year one thousand eight hundred and eighty-nine, and duly recorded as provided by law, as amended by an order of the judge of the said circuit court, entered in vacation on the twenty-fifth day of August, in the year one thousand eight hundred and ninety, be amended and re-enacted so as to read as follows—to-wit:

Corporators.

Corporate name and privileges.

Perpetual succession.

May locate and construct water works.

§ 1. That C. P. Huntington, I. E. Gates, F. H. Davis, Edward St. John and C. B. Orcutt, and such other persons as may be hereafter associated with them, their successors and assigns, shall be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of the Newport News light and water company, for the purpose of supplying and distributing water from natural streams, water courses, subterranean springs, or from other sources, and of manufacturing, generating and distributing gas or electricity, for public or private use, within the limits of Newport News, in the county of Warwick, state of Virginia, and at such other place or places within the said county of Warwick, and within the counties of York and James City, including the city of Williamsburg, in the said state, as may be determined on from time to time by the said company; and by the name and style aforesaid, the said C. P. Huntington, I. E. Gates, F. H. Davis, Edward St. John and C. B. Orcutt, and their associates, successors and assigns, shall be known in law and shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have, enjoy and exercise all the rights, powers and privileges proper, requisite and necessary for the purposes of this act.

§ 2. That the said company shall have full power and authority to acquire, construct, use, employ, lay and locate on any plan they may approve, dams, reservoirs, cisterns, force pumps, engines, pipes and any and all fixtures, appurtenances and appliances proper, necessary or desirable for the drawing, storage, conveyance and distribution of water, and for the manufacture, generation and distribution of gas or electricity, for public or private use,

within the limits of Newport News, and at such other place or places within the counties of Warwick, York and James City, including the city of Williamsburg, as may be determined upon from time to time by said company; to lay all necessary pipes, main and lateral, and to make the necessary openings and excavations therefor; to locate its plant at such point or points within the said counties of Warwick, York and James City, and to locate and erect such poles and wires as may be necessary, desirable or proper to the conduct of its business. And for these purposes the said company, in addition to the powers conferred by section first of this act, shall have, and is hereby expressly invested with all the powers, rights, privileges and franchises conferred, and be subject to all the restrictions imposed by chapter forty-six, code of Virginia, of eighteen hundred and eighty-seven, and the acts of the general assembly of Virginia, amendatory thereof, and other laws of the state of Virginia as far as applicable.

Operating area.

§ 3. The capital stock of the said company shall not be less than one hundred thousand dollars, and may, with the consent of a majority of its stockholders given at any annual or general meeting thereof, be increased from time to time to any additional amount requisite for the operations of the company, not exceeding two million dollars, by the issue or sale of shares, the par value of which shall be one hundred dollars each, from time to time, upon such terms and conditions and under such regulations as the stockholders of said company, in any annual or general meeting thereof, shall prescribe; and the said company may receive land, materials, labor, supplies, services, or other valuable considerations in payment for subscriptions to, or purchases of the capital stock, at such valuation or price, and on such terms and conditions as may be agreed upon, and at, above or below the par value thereof; and the stock of the company so issued, shall for all purposes be treated as paid for at par money, without any liability whatever thereon, or upon the holders thereof to pay any calls or assessments on account thereof, except as may be agreed upon.

Capital stock—
how divided
and paid for.

§ 4. That the said company is hereby authorized and empowered to acquire and hold such real estate not exceeding ten thousand acres, as may be necessary or proper for the conduct of its business and the prosecution of its work, and to sell, convey or encumber the same by deeds of mortgages or of trust.

May hold real
estate.

§ 7. It shall be lawful for the said company to issue and sell its bonds to an amount not exceeding two million dollars, from time to time, for such sums and on such terms as it may deem expedient and proper in the prosecution of any of the works or business of the

May sell bonds
and guarantee
same.

said company, and it may secure the payment of the principal and interest thereof, by mortgages or deeds of trust upon all or any portion of the property, rights and franchises of the company, including its franchises to be a corporation. Each stockholder in said company shall be entitled to one vote for each share of stock held by him, and no stockholder shall be held individually liable for the debts or liabilities of the company in any larger or further sums than to such amount as may be due and unpaid, severally upon each stock subscription.

Taxes shall be
paid in lawful
money.

§ 10. All taxes or debts due or to become due the state of Virginia by the company, shall be paid in lawful money of the United States, and not in coupons, and this charter is granted on this express condition.

2. As amended by this act, the said charter is approved and confirmed, and the general assembly of Virginia reserves the right to alter or repeal this act at any time hereafter.

Commencem't.

3. This act shall be in force from and after its passage.

CHAP. 36.—An ACT to change the name of the Valley street railway company, of Big Stone Gap, Virginia.

Approved January 9, 1892.

1. Be it enacted by the general assembly of Virginia, That the name of the Valley street railway company, of Big Stone Gap, Virginia, be, and the same is hereby, changed to the Big Stone Gap and Powell's Valley railway company.

2. This act shall be in force from its passage.

CHAP. 37.—An ACT to amend and re-enact the first and eleventh sections of an act approved February fourth, eighteen hundred and ninety, entitled an act to incorporate the Georgetown and Falls Church railway company, and to extend the time for the commencement of the construction of the road therein mentioned.

Approved January 9, 1892.

1. Be it enacted by the general assembly of Virginia, That sections one and eleven, of chapter one hundred and fifty-five, of the acts of the general assembly, session of eighteen hundred and eighty-nine and ninety, entitled an act to incorporate the Georgetown and Falls Church railway company, approved February fourth, eighteen hun-

dred and ninety, be amended and re-enacted so as to read as follows:

§ 1. That George T. Dunlop, James M. Love, W. S. Smoot and R. W. Moore, of Virginia; Samuel E. Wheatley, William A. Gordon, Edward Derrick and Henry E. Davis, of the District of Columbia, and such other persons as may hereafter be associated with them, and their successors be, and they hereby are, constituted a body politic and corporate, by the name and style of the "Georgetown and Falls Church railway company," with all the rights, powers and privileges conferred, and subject to all the liabilities and obligations imposed by law in respect of chartered companies in this state, except as in this act hereinafter provided.

Corporate name and limitations.

§ 11. Said company shall begin the construction of its road not later than April first, eighteen hundred and ninety-four, and shall, within five years after so beginning, have its road completed and in operation over its entire route; and if that be so done, then this act shall be forever operative, otherwise it shall, as to the unfinished portion of said road, be and become null and void: provided, however, that nothing herein contained shall exempt said company from liability to the forfeiture of its corporate franchises by reason of non-uses or other violation of law involving such forfeiture.

Time within which work shall be commenced.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 38.—An ACT to amend and re-enact section 3 of the charter of the Lexington development company.

Approved January 9, 1892.

1. Be it enacted by the general assembly of Virginia, That section third of the charter of the Lexington development company, a charter granted by William McLaughlin, judge of the thirteenth judicial district of Virginia, on the twentieth day of October, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 3. The capital stock of the said company shall not be less than thirty thousand dollars, with power in said company to increase the same to a sum not exceeding six hundred thousand dollars, to be divided into shares of the par value of ten dollars each. The said stock shall not be liable for further assessments upon the payment of fifty per centum of the par value thereof. And when fifty per centum has been paid in full on the subscriptions to said stock heretofore made or hereafter to be made, the Lexington development company is hereby authorized to

Capital stock.

May issue full-paid certificates.

issue full-paid certificates of stock for the par value thereof to the subscribers or their transferees; and the holders of such certificates shall not be liable for further assessments thereon for the debts or liabilities of the company contracted after the passage of this act.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 39.—An ACT to authorize the Glasgow manganese and mineral company to change its name.

Approved January 9, 1892.

May change
corporate
name.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the Glasgow manganese and mineral company (a corporation of this state, chartered by an act of the general assembly of Virginia, approved March third, eighteen hundred and ninety, contained in chapter four hundred and fifty-two of the acts of the general assembly of Virginia, of the session of eighteen hundred and eighty-nine and eighteen hundred and ninety), by a vote of the majority of the stockholders of said company at any lawful meeting thereof, to change the name of said company and to adopt such new name therefor, as a majority of the stockholders may select.

Publication to
be made.

2. A copy of the resolution adopted by the stockholders changing the name of the company, together with a notice of such change, shall be published for four successive weeks in some newspaper published in the county of Rockbridge, and shall be certified by the president and secretary of the company, under its corporate seal, and acknowledged before a notary public by the president of the company, to be the act of the company, and shall be recorded in the clerk's office of Rockbridge county, in the book in which deeds are recorded in said office, and a copy of the same shall be certified to the secretary of the commonwealth, to be filed by him in his office. Upon the adoption of such resolution so changing the name of said company by a majority of the stockholders, at a lawful meeting thereof, the corporate name of the company shall be changed from the Glasgow manganese and mineral company, to such name as a majority of the stockholders shall so select, and by its new changed name the company shall thereafter be known and called, sue and be sued, plead and be impleaded.

Shall certify to
secretary of
commonwealth

Commencem't.

3. This act shall be in force from its passage

CHAP. 40.—An ACT to amend and re-enact an act entitled “an act to incorporate the Midlothian, Manchester, and Richmond railway and mining company,” approved April sixth, eighteen hundred and eighty-seven, and to re-enact the amendment thereto, approved March first, eighteen hundred and eighty-eight.

Approved January 9, 1892.

1. Be it enacted by the general assembly of Virginia, That the act entitled “an act to incorporate the Midlothian, Manchester and Richmond railway and mining company,” approved April sixth, eighteen hundred and eighty-seven, and the amendment thereto, approved March first, eighteen hundred and eighty-eight, are hereby re-enacted; and the thirteenth section of said act of incorporation, approved April sixth, eighteen hundred and eighty-seven, be, and the same is hereby, amended so as to read as follows:

§ 13. The construction of said railway shall be commenced within two years from the sixth day of January, eighteen hundred and ninety-two, and completed within five years from this time. Any act in conflict with this act is hereby repealed.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 41.—An ACT to amend and re-enact sub-division sixth of section one hundred and eighty-five of the code of Virginia in reference to the salaries of the judges of the corporation courts of the cities of Lynchburg and Staunton.

Approved January 9, 1892.

1. Be it enacted by the general assembly of Virginia, That sub-division six of section one hundred and eighty-five of the code of Virginia, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 6. The judges of the hustings and corporation courts, the following sums, respectively, to be paid out of the treasury of their respective corporations: the judge of the hustings court of Richmond, the sum of two thousand three hundred dollars; the city judge of Norfolk, the sum of two thousand dollars; the city judge of Petersburg, the sum of one thousand eight hundred dollars; the city judge of Lynchburg, the sum of two thousand five hundred dollars; the city judge of Alexandria, the sum of fourteen hundred dollars; the city judge of Portsmouth, the sum of thirteen hundred dollars; the city judge of Staunton, the sum of twelve hundred dollars; the city judges of Fredericksburg and Danville, each the sum of

seven hundred dollars; the city judge of Winchester, the sum of five hundred dollars; the city judge of Manchester a sum not less than eight hundred nor more than twelve hundred dollars; and the city judge of Roanoke, a sum not less than seven hundred and fifty nor more than one thousand dollars, to be fixed by the councils of said city respectively: provided, that when the same person shall be elected judge of a county and also a city or corporation court therein, his aggregate salary shall not exceed the sum of thirteen hundred dollars.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 42.—An ACT to incorporate the Presbyterian home of Lexington, Virginia.

Approved January 9, 1892.

1. Be it enacted by the general assembly of Virginia,
 Corporators. That E. J. Leyburn, W. H. Waddell, J. McD. Adair, W. C. Stuart, J. K. Edmondson, J. T. McCrum, J. D. Anderson, E. L. Perry, F. H. Smith, junior, and J. L. Campbell, are created a body politic and corporate under the name of the Presbyterian home of Lexington, Virginia, and as such to enjoy all the privileges and be subject to all the liabilities given and imposed by the laws of this state, so far as the provisions of this act are not in conflict therewith.

2. The purposes of this corporation are purely charitable, and are the establishment and maintenance in the town of Lexington, Virginia, of an institution in which indigent and infirm persons of reputable character, especially such as are connected with the Presbyterian church in the United States, may be provided with a comfortable home gratuitously, or on such charges as may be prescribed, and in which the aged, infirm, sick and wounded, especially of the Presbyterian church and congregation in Lexington, Virginia, may be cared for, and to which they may be admitted upon such proper regulations and conditions as may be prescribed.

May establish
 institute for
 care of indigent
 and infirm.

3. This corporation may take and hold all personal property and real estate not exceeding ten acres of land that may be given, granted, bequeathed, and devised to it; to invest all money and other personalty thus acquired; to change investments, and sell or exchange real estate, and to deal with said property in such manner as may seem judicious; the whole amount of property not to exceed fifty thousand dollars.

Succession.

4. When any of the aforesaid incorporators shall die or resign, the vacancy shall be filled from members of the Lexington Presbyterian church, at Lexington, Virginia

5. The said incorporators, their associates, and successors, shall have power to manage said institution, appoint the officers thereof, make all necessary rules and by-laws for the control and management of the same. Shall be managers.

6. All property acquired and held by this corporation shall, while used and applied for the exclusive use and benefit of said institution, be exempt from taxation.

7. This act shall be in force from its passage, and shall be subject to amendment, modification, or repeal at the pleasure of the general assembly.

CHAP. 43.—An ACT to amend and re-enact section 2 of an act entitled an act to extend the charter and franchises of the Southern improvement company, approved March 1, 1888.

Approved January 11, 1892.

1. Be it enacted by the general assembly of Virginia, That the second section of the act approved March first, eighteen hundred and eighty-eight, entitled "an act to extend the charter and franchises of the Southern improvement company," be amended and re-enacted so as to read as follows: Extending the charter.

§ 2. The said company may construct, acquire, and hold by purchase, lease or otherwise, and may on its own behalf or for and on behalf of other corporations, construct, conduct, manage, operate and maintain railroads, tramways, turnpike roads, and other drives, and collect tolls as prescribed by law, on the same or on any that it now owns; but on any pleasure drive-way, the company may collect such tolls as it may prescribe; and the said company may acquire by condemnation or otherwise, water supplies for use in connection with its properties, and dispose of and use the water as it may elect, and it may erect or lay telegraph, telephone or electric lines of any kind for any purpose, and charge rents or tolls for the use of or for services rendered by means of any such lines; and the said company may also construct, lay, maintain, use and operate water pipes, sewers, gas pipes, and may manufacture and sell or dispose of gas and electric lights or power on such terms as it may prescribe, and the said company may also sell, lease or otherwise dispose of any railroads, tramways, turnpike roads, or drives which it may construct, own or acquire as aforesaid. And the said company may unite and consolidate with the Warm Springs company and the Warm Springs Valley company, or either or both, and with any other corporation, upon such terms and conditions, and under such corporate name as may be agreed upon by the stockholders of such compa- May construct and equip roads, etc. Water supplies. Rents and tolls. May sell, lease, etc. Consolidation or merger.

nies, respectively, in general meeting, without impairing any of the rights and franchises of any of such companies, which rights and franchises shall all inure to the benefit of the consolidated company; and any such consolidation so made and entered into with the above named companies, or either of them, or any other corporation, shall be in all respects lawful, valid and binding. A counterpart of any such contract or contracts of union or consolidation shall be filed in the office of the secretary of the commonwealth, and a copy thereof, certified by such secretary, shall be evidence of the union, consolidation or consolidations therein set forth, without any proof of handwriting. For the purpose of effecting any of said works, constructions, operations, uses and maintenances the said company shall have the right to acquire by condemnation or otherwise for each purpose, a continuous tract of land of reasonable and sufficient width not exceeding one hundred feet in width, and such additional land as may be necessary for said purpose.

Right of way, etc., by condemnation.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 44.—An ACT to incorporate the Ryland Institute.

Approved January 11, 1892.

1. Be it enacted by the general assembly of Virginia, That Lula M. Butt, Annie M. Butt, Josiah Ryland, W. N. Camp, J. E. Booker, Henry Jones, and L. B. Allen, and such other persons as may be hereafter associated with them, be, and they are hereby, created and incorporated and made a body politic and corporate under the name and style of Ryland institute, for the purpose of keeping and conducting a boarding-school of the above name for girls; and of teaching and giving instruction to such girls or other persons as may be committed to their care as pupils of said school in the various studies and courses of instruction in modern languages, English, or foreign, and in ancient languages, music, mathematics, the fine arts and all and any matter or things usually prescribed in schools and colleges of the highest grade, with the right and privilege to make and prescribe such rules and regulations as from time to time may seem proper to them, and to change and alter the same, to enable them to conduct the daily and yearly exercises, and successfully to govern and generally promote and carry out the objects and plan of said institute as a boarding-school for girls or other persons.

Corporators.

Name and style and purposes thereof.

Branches of study.

Rules and regulations.

2. The said institute shall have perpetual succession, and a common seal, which it may alter or amend at its pleasure, and may, in its corporate name, sue and be sued, implead and be impleaded, contract and be contracted with, purchase, hold and convey property, real and personal, and make regulations for the government of all persons and things and property under its authority, for the management of its estate and the due and orderly conducting of its affairs: provided that said institute shall not at any time acquire and hold real or personal estate exceeding in value the sum of fifty thousand dollars.

Corporate powers.

May purchase and hold real estate.

3. The said institute may have public and other celebrations at such times and places, and in such manner and form, as to it may seem proper, and may prescribe the course and number and kind of studies to be pursued and comprehended by its pupils, to entitle the latter to certificates of distinction or proficiency or graduation, respectively, and may confer and bestow upon its pupils or graduates such diplomas or certificates, or other evidence of graduation, distinction or proficiency as said pupils may acquire in their various studies or employments according to the regulations of said institute, and the determination of its teachers, instructors or other officers, which said diplomas or certificates shall bear the seal of said institute and the signatures of the instructors.

Public celebrations.

Diplomas or certificates.

4. The officers of said institute shall consist of a principal instructor, and such assistants in the school or academic department, and in the domestic department as may be deemed requisite, to be chosen in such manner as said corporation may prescribe.

Officers.

5. This act shall be in force from its passage.

Commencem't.

CHAP. 45.—An ACT to allow C U. Warner to erect a wharf on the Yeocomico river, in the county of Northumberland.

Approved January 11, 1892.

1. Be it enacted by the general assembly of Virginia, That C. U. Warner, of the county of Northumberland, be, and he is hereby, authorized to erect a wharf on the Yeocomico river, on the land of the said C. U. Warner, in the county of Northumberland, subject to all the laws of the state governing all wharves erected in the waters of the commonwealth; and provided, also, that this act shall at all times be under the control of the general assembly, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 46.—An ACT to authorize the rector and board of visitors of the University of Virginia to commute the legacy to said University under the will of Arthur W. Austin.

Approved January 11, 1892.

1. Be it enacted by the general assembly of Virginia That the rector and board of visitors of the University of Virginia may, by arbitration, suit or otherwise, settle adjust or commute into money, upon such terms as they may think best, the legacy left to said University by the will of Arthur W. Austin.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 47.—An ACT to amend an act incorporating the Ladies' memorial association of Fredericksburg, approved April 4, 1874.

Approved January 11, 1892,

Be it enacted by the general assembly of Virginia, That the act entitled an act to incorporate the Ladies' memorial association of Fredericksburg, be amended and re-enacted to read as follows:

Corporators.	1. That Mrs. L. O. Magrath, Mrs. Lucilla Bradley, Mrs. Josiah Hazard, Mrs. John T. Goolrick, Mrs. Wm. S. Barton, Mrs. M. M. Lewis, Mrs. J. H. Lacy, Mrs. M. K. Daniel, Mrs. Ann F. T. Fitzhugh, Mrs. C. Ellen Ford, Mrs. S. W. Carmichael, Mrs. Leslie T. Kearsley, Mrs. J. N. Barney, Mrs. Chas. Cash, Mrs. Irene McDowell, Mrs. Margaret Alexander, Mrs. L. L. Coghill, Miss Nora Goolrick, Miss Ellen P. Chew and Miss Virginia Knox, be and are, constituted a body corporate, under the name and style of the Ladies' memorial association of Fredericksburg, and by this name and style, shall be invested with perpetual succession, and have a common seal; may sue and be sued, implead and be impleaded, and in all respects shall be invested with the rights and privileges conferred and subject to the restrictions and regulations prescribed for corporations, in the code of Virginia, eighteen hundred and eighty-seven, so far as the same may be applicable to such an association and not inconsistent with this act.
Name and style.	
Rights and privileges.	
First officers.	That Mrs. John T. Goolrick shall be president, Mrs. C. Ellen Ford and Mrs. S. W. Carmichael shall be vice-presidents, and Mrs. J. N. Barney, secretary. The whole of the said before mentioned incorporators shall constitute the executive committee of said association, seven of whom shall constitute a quorum to transact business, and said executive committee shall have authority, from time
Quorum.	

to time, to fill all vacancies that may occur in the offices of said association, or executive committee, whether by death, resignation, removal from the state or otherwise.

2. The object and purpose of this corporation shall be to purchase and beautify grounds, to erect thereon suitable monuments and tombstones, and to identify, mark and decorate the graves of Confederate soldiers interred in said grounds, or removed to the same, and the operations of said corporation shall be confined to such objects.

Object of Association.

3. The officers of said corporation shall consist of a president, two vice-presidents, a secretary, treasurer, and executive committee of not more than twenty members.

4. In promotion of this object, the corporation may acquire and hold real and personal estate not exceeding in the aggregate, one hundred thousand dollars, and may invest its funds in such a manner as may seem to it best; but in no event shall said corporation be authorized to acquire any property from, or have a lottery, gift, concert, or any scheme of similar nature.

May purchase and hold real estate.

5. The said corporation may sell and convey any lots in its grounds, for purposes of burial of others than Confederate soldiers, and said lots shall be considered as personal and not real estate. That section sixth of the act of April thirtieth, eighteen hundred and seventy-four, be, and the same is hereby, repealed, and in lieu thereof, the following shall constitute section sixth of this act.

May sell and convey its lots, etc., for certain purposes.

6. The said association shall have authority to select some suitable gentleman, resident of Fredericksburg, as treasurer of the said association, and shall require of him a bond, payable to the said association, in the penalty of not less than two thousand dollars, with two good securities, conditioned for the faithful performance of his duties, and that he will account for, and pay over all moneys that may come into his hands as such treasurer, Wm. H. Russell being so regularly chosen as treasurer of said association on December second, eighteen hundred and ninety-one.

Treasurer.

His bond and security.

7. The voluntary association by the name of the Ladies' memorial association of Fredericksburg, organized as such in eighteen hundred and sixty-five, having turned over on the second day of December, eighteen hundred and ninety-one, all of its affairs and assets to the said incorporated association organized formally on said date, though informally organized in eighteen hundred and seventy-four, all the acts and doings of the said association, whether voluntary or incorporated, since eighteen and seventy-four are ratified; and all the property, real and personal, belonging to the said voluntary association, is hereby declared to be the property of the said incorporation; and all persons, whether as trustees or otherwise,

holding said property, or owning said voluntary association are authorized and required to convey said property and to account therefor to said incorporation, who shall hold the said property, real and personal, strictly for the objects contemplated by this association.

Commencement. 8. This act shall be in force from its passage.

CHAP. 48.—AN ACT to ratify and confirm the consolidation of the Norfolk and Virginia Beach railroad company, and the Danville and Seaboard railroad company, under the name of the Norfolk, Albemarle and Atlantic railroad company.

Approved January 14, 1892.

Preamble. Whereas the Norfolk and Virginia Beach railroad company, a corporation organized under the terms of an act of the general assembly of Virginia, approved March twenty-third, eighteen hundred and seventy-two, entitled "an act to incorporate the Norfolk and Sewell's Point railroad," and other acts amendatory of said act, particularly that approved January fourteenth, eighteen hundred and eighty-two, entitled "an act to amend and re-enact sections two, three, four and six of an act to incorporate the Norfolk and Sewell's Point railroad company, approved March twenty-second, eighteen hundred and seventy-two, and to change the name of said company," and the Danville and Seaboard railroad company, also a corporation duly organized under an act of the general assembly of Virginia, entitled "an act to incorporate the Danville and Seaboard railroad company," and an act amendatory of said act, approved February twenty-fourth, eighteen hundred and eighty-eight, did by an agreement, dated January twenty-ninth, eighteen hundred and ninety-one, and duly recorded in the office of the board of public works, on March seventh, eighteen hundred and ninety-one, effect a consolidation of the one with the other, under the name of the Norfolk, Albemarle and Atlantic railroad company, upon the terms in said agreement contained; and whereas the said Norfolk, Albemarle and Atlantic railroad company has duly organized according to the provisions of said agreement; therefore,

Agreement of
consolidation
ratified

1. Be it enacted by the general assembly of Virginia, That the terms of the agreement between the Norfolk and Virginia Beach railroad company, and the Danville and Seaboard railroad company, recorded in the office of the board of public works, March seventh, eighteen hundred and ninety-one, and the consolidation of said companies thereunder, by the name of the Norfolk, Albemarle and Atlantic railroad company, be, and the same are hereby,

ratified and confirmed, and the said two companies made one body corporate and politic under the said name of the Norfolk, Albemarle and Atlantic railroad company. And the said Norfolk, Albemarle and Atlantic railroad company, consolidated as aforesaid, shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts, either at law or in equity, and may make and have a common seal, and alter and renew the same at pleasure, and shall have, possess and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes for which it is formed. And the said Norfolk, Albemarle and Atlantic railroad company, so consolidated, shall be subject to all the liabilities of each of said consolidating companies, and shall have and possess all the rights, powers, franchises and privileges heretofore conferred upon each of said consolidating companies by their respective charters, and the several acts of assembly concerning said companies respectively.

Powers of consolidated lines.

2. The said Norfolk, Albemarle and Atlantic railroad company, consolidated as aforesaid, shall have the right to maintain and operate the road heretofore constructed, and used from Norfolk to Virginia Beach, and all the railroads, lands and other property used, held and enjoyed in connection therewith, by the said Norfolk and Virginia Beach railroad company, and to change the gauge of said road to the standard gauge, and to construct any and all branches and lateral roads which either of said companies might have constructed under either or both of their charters, or such as may be permitted under the general laws of this commonwealth.

May operate consolidated lines.

May change to standard gauge and build laterals.

3. That the said Norfolk, Albemarle and Atlantic railroad company, instead of constructing a railroad commencing at the city of Danville and running thence to some point at or near the Seaboard, at or near the city of Norfolk, as provided in the first section of the act incorporating the Danville and Seaboard railroad company, may and are hereby authorized and empowered, whenever a majority of its stockholders shall so determine, extend the said road now in operation between Norfolk and Virginia Beach, to the said city of Danville by such route as a majority of its stockholders may determine, and until such extension is determined on and made, may operate and maintain the said road between Norfolk and Virginia Beach and such branches as may hereafter be constructed, as fully and in all respects as if the said act incorporating the Danville and Seaboard railroad company had originally applied to the said road between Norfolk and Virginia Beach.

May extend road to Danville.

4. The capital stock of said company shall be one million dollars, divided into ten thousand shares of the par value

Capital stock to what sum increaseable.

of one hundred dollars each, issued under and pursuant to said agreement of consolidation, and the same may be, from time to time, increased to any amount not exceeding five million of dollars, by issue and sale of shares under such regulations as the board of directors shall prescribe, the par value of which shall not be less than one hundred dollars; and the directors may receive cash, labor, material, bonds, stocks, real or personal property, in payment of subscriptions to the capital stock, at such valuation as may be agreed upon, and may make such subscriptions payable in such manner or amounts and at such time as may be agreed upon with the subscribers.

Loans—how
secured.

5. It shall be lawful for such company to borrow money and issue and sell its bonds from time to time, for such sums and on such terms as its board of directors may deem expedient and proper, in the prosecution of any of its work. It may secure the payment of such bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal or mixed, its contracts and franchises, and its chartered rights and privileges, including its franchises to be a corporation; and it may, as the board of directors may determine, sell, lease, convey and encumber the same, and it may use so many of the bonds of the said consolidated company, as may be necessary for the purpose, under the direction and control of the directors of said company, in redeeming and taking up the existing and outstanding bonds and obligations of the said consolidated company, and of each of said constituent companies, on such terms and conditions as the said board of directors may be able, from time to time, to make with the holders of said bonds and obligations of the last named company.

Right of way—
how acquired.

6. The company may acquire, by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroad, and necessary stations and depots for its operation.

Stockholders—
their privilege.

7. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name, and the president and board of directors of said company may enact such by-laws, rules and regulations, for the management of the affairs of said company, as they may deem proper and expedient.

Officers and di-
rectors—quali-
fications, limit
of number, and
succession.

8. The board of directors shall be stockholders of the said company, and shall consist of seven directors, all or any of whom may be residents of the state of Virginia, or of any other of the United States, and the said number may be increased from time to time by the stockholders, not to exceed, however, fifteen. The directors shall be elected at the stockholders' annual meeting, to be held on such date as the by-laws of the company may direct, and shall continue in office for the term of one year from

and after the date of their election, and until their successors are elected and accept the duties of the office; and they shall elect one of their members president, and in the case of the death, resignation, or incapacity of the president, or any member of the board of directors, during their term of office, the said board shall elect their successors for the unexpired term.

9. All acts done and proceedings taken by the said Norfolk, Albemarle and Atlantic railroad company, consolidated as aforesaid, and by its officers, agents and servants, under, and by virtue of the authority of said consolidation agreement aforesaid, and under and by virtue of the several charters of the consolidated companies, and the several acts of assembly hereinbefore mentioned, are hereby ratified and confirmed.

Acts under consolidation ratified and confirmed.

10. This act shall be in force from its passage.

Commencem't.

CHAP. 49.—An ACT to amend the fifth and sixth sections of an act entitled "an act to incorporate the Big Stone Gap steel and iron company," approved February 14, 1888.

Approved January 14, 1892.

1. Be it enacted by the general assembly of Virginia, That sections five and six of an act entitled "an act to incorporate the Big Stone Gap steel and iron company," approved February fourteenth, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 5. The said company is authorized and empowered to bore, lease, and operate wells for gas, oil or other liquids, and to mine and quarry coal, iron, marble, or other mineral substances, and to prepare and manufacture the same for use and sale in all manner of forms it may adopt, and to manufacture and prepare for market and sale, all other raw materials, mineral, vegetable or animal, and for these purposes may erect and operate all kinds of furnaces, mills, manufactories, coke ovens, smelting works, machinery and other instrumentalities necessary for the enjoyment of the privileges, franchises and powers herein granted to the fullest and most ample extent. The said company may also carry on the business of constructing, for individuals or corporations, any and all kinds of works of public or private improvement, either through its own officers, agents and servants or by means of other agencies, or indirectly by the loan of its money or its credit; and the said company may receive in payment therefor, or as security, and may purchase or subscribe for stocks, bonds and other securities which it may hold,

What they may manufacture.

Business.

enjoy, control, sell, hypothecate or otherwise use for its benefit, in any manner its board of directors may deem to be for the best interest of the company.

§ 6. The five persons first named in this act shall constitute the first board of directors of the said company, one of whom they shall elect president. They shall adopt a code of by-laws, appoint a secretary and treasurer, and when so organized they shall be authorized to change the corporate name of the company, if so desired, to fix from time to time the amount of capital stock, and to issue both common and preferred stock to an amount not exceeding the maximum of capital stock authorized in the preceding sections, and to exercise all the powers conferred by this charter. The secretary shall certify said organization on the books of the company, a copy of which, duly attested by a notary public, shall be received in all courts and elsewhere as evidence of the legal organization of the company. They shall continue in office for one year and until their successors are elected by the stockholders. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his or her name. The board of directors may increase the number of directors to any number not exceeding fifteen, by the appointment of stockholders to the office of directors. The board of directors may appoint an executive committee, consisting of not less than three nor more than five, to which committee the board of directors may delegate such of the powers conferred by this charter as the board may deem advisable. All acts performed by the executive committee, within the powers delegated by the board of directors, shall be as binding upon the company as if such acts were performed directly by the board of directors. A majority of the board of directors or of the executive committee shall constitute a quorum for transacting any business which might be done by a full board or committee.

By-laws. adopt a code of by-laws, appoint a secretary and treasurer, and when so organized they shall be authorized to change the corporate name of the company, if so desired, to fix from time to time the amount of capital stock, and to issue both common and preferred stock to an amount not exceeding the maximum of capital stock authorized in the preceding sections, and to exercise all the powers conferred by this charter. The secretary shall certify said organization on the books of the company, a copy of which, duly attested by a notary public, shall be received in all courts and elsewhere as evidence of the legal organization of the company. They shall continue in office for one year and until their successors are elected by the stockholders. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his or her name. The board of directors may increase the number of directors to any number not exceeding fifteen, by the appointment of stockholders to the office of directors. The board of directors may appoint an executive committee, consisting of not less than three nor more than five, to which committee the board of directors may delegate such of the powers conferred by this charter as the board may deem advisable. All acts performed by the executive committee, within the powers delegated by the board of directors, shall be as binding upon the company as if such acts were performed directly by the board of directors. A majority of the board of directors or of the executive committee shall constitute a quorum for transacting any business which might be done by a full board or committee.

May change name. change the corporate name of the company, if so desired, to fix from time to time the amount of capital stock, and to issue both common and preferred stock to an amount not exceeding the maximum of capital stock authorized in the preceding sections, and to exercise all the powers conferred by this charter. The secretary shall certify said organization on the books of the company, a copy of which, duly attested by a notary public, shall be received in all courts and elsewhere as evidence of the legal organization of the company. They shall continue in office for one year and until their successors are elected by the stockholders. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his or her name. The board of directors may increase the number of directors to any number not exceeding fifteen, by the appointment of stockholders to the office of directors. The board of directors may appoint an executive committee, consisting of not less than three nor more than five, to which committee the board of directors may delegate such of the powers conferred by this charter as the board may deem advisable. All acts performed by the executive committee, within the powers delegated by the board of directors, shall be as binding upon the company as if such acts were performed directly by the board of directors. A majority of the board of directors or of the executive committee shall constitute a quorum for transacting any business which might be done by a full board or committee.

Fix amount of capital stock. amount not exceeding the maximum of capital stock authorized in the preceding sections, and to exercise all the powers conferred by this charter. The secretary shall certify said organization on the books of the company, a copy of which, duly attested by a notary public, shall be received in all courts and elsewhere as evidence of the legal organization of the company. They shall continue in office for one year and until their successors are elected by the stockholders. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his or her name. The board of directors may increase the number of directors to any number not exceeding fifteen, by the appointment of stockholders to the office of directors. The board of directors may appoint an executive committee, consisting of not less than three nor more than five, to which committee the board of directors may delegate such of the powers conferred by this charter as the board may deem advisable. All acts performed by the executive committee, within the powers delegated by the board of directors, shall be as binding upon the company as if such acts were performed directly by the board of directors. A majority of the board of directors or of the executive committee shall constitute a quorum for transacting any business which might be done by a full board or committee.

Evidence of legal organization. organization of the company. They shall continue in office for one year and until their successors are elected by the stockholders. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his or her name. The board of directors may increase the number of directors to any number not exceeding fifteen, by the appointment of stockholders to the office of directors. The board of directors may appoint an executive committee, consisting of not less than three nor more than five, to which committee the board of directors may delegate such of the powers conferred by this charter as the board may deem advisable. All acts performed by the executive committee, within the powers delegated by the board of directors, shall be as binding upon the company as if such acts were performed directly by the board of directors. A majority of the board of directors or of the executive committee shall constitute a quorum for transacting any business which might be done by a full board or committee.

May increase number of directors. increase the number of directors to any number not exceeding fifteen, by the appointment of stockholders to the office of directors. The board of directors may appoint an executive committee, consisting of not less than three nor more than five, to which committee the board of directors may delegate such of the powers conferred by this charter as the board may deem advisable. All acts performed by the executive committee, within the powers delegated by the board of directors, shall be as binding upon the company as if such acts were performed directly by the board of directors. A majority of the board of directors or of the executive committee shall constitute a quorum for transacting any business which might be done by a full board or committee.

Executive committee. committee the board of directors may delegate such of the powers conferred by this charter as the board may deem advisable. All acts performed by the executive committee, within the powers delegated by the board of directors, shall be as binding upon the company as if such acts were performed directly by the board of directors. A majority of the board of directors or of the executive committee shall constitute a quorum for transacting any business which might be done by a full board or committee.

What constitutes a quorum. majority of the board of directors or of the executive committee shall constitute a quorum for transacting any business which might be done by a full board or committee.

Commencement. 2. This act shall be in force from its passage.

CHAP. 50.—An ACT to amend and re-enact section 3174, of code of Virginia, in relation to clerks of courts.

Approved January 14, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and seventy-four, of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 3174. Examination of clerk's office.—Before any vacancy, existing or to occur in the office of clerk, shall be filled, the court, *or the judge thereof in vacation*, shall, and at any other time may, appoint two or more persons to examine the clerk's office. They shall examine the fee books, and the condition of the records and papers in the office, and report whether the clerk has faithfully discharged his duties. The court may allow to each person making such examination, not exceeding five dollars a day, which, if the examination be of the clerk's office of a county or corporation court, shall be chargeable on such county or corporation, and in other cases shall be paid out of the treasury.

Judge in vacation may appoint examiners.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 51.—An ACT to amend and confirm the charter of the Basic City mining, manufacturing and land company, granted by the judge of the circuit court of Augusta county, the 7th day of December, 1889.

Approved January 14, 1892.

1. Be it enacted by the general assembly of Virginia, That the charter of the Basic City mining, manufacturing and land company, granted by the order of William McLaughlin, judge of the circuit court of Augusta county, made on the seventh day of December, eighteen hundred and eighty-nine, be amended and confirmed so that the provisions of said charter shall be as follows, to-wit:

2. That Samuel Forrer, Edward McMahon, Charles A. Holt, M. A. Booker, J. A. Wise, J. E. Sanger, E. Smith Dinkle, John Winter, and Arista Hoge, and such persons as may be associated with them, and their successors, are hereby created and constituted a body politic and corporate by the name and style of the Basic City mining, manufacturing and land company, and by such name shall have perpetual succession; may contract and be contracted with, sue and be sued, make and use a common seal, and alter the same at pleasure, and make and maintain such by-laws, rules and regulations, for the government of said corporation, and the conduct of its business, as may be deemed necessary, not in conflict with the laws or the constitution of this state or of the United States.

Corporators.

Name.

3. The capital stock of said company shall not be less than fifty thousand dollars, and not more than one million dollars, to be divided into shares of one hundred dollars each. The said company shall receive subscriptions to its capital stock or payment for its shares so issued in money, land or other property, upon such terms as shall be agreed

Capital stock.

- upon or authorized by the board of directors of said company; and upon receiving a conveyance of said property, if real, or other proper title thereto, if personalty, the said company shall have the right to deliver to such subscriber to, or purchaser of, its stock, a proper certificate for so many paid-up shares of stock as may be agreed upon, and said company may give a preference to a portion of its capital stock over the residue thereof in the distribution of the assets of the company, and in the payment of dividends. The stock of said company shall be personal property, and be transferrable on the books of the company, in person, or by attorney, duly authorized in writing; and in all meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock held by him, and the stockholders shall be liable only for the payment of the full amount of the stock subscribed for by them; and no stockholder holding full paid-up stock shall be liable to any contribution, or for any debts, liabilities, or obligations of said company. The said company shall have a lien on the stock of any stockholder for the amount due by him at any time to said company on said stock.
- Preferred capital stock.** 4. The said company may hold real estate, by purchase, lease or otherwise, as may be deemed expedient, to the amount of one hundred thousand acres.
- Stock to be personal property.** 5. The principal office of the company shall be at Basic City, in Augusta county, Virginia.
- Lien on stock.** 6. The officers of said company, who are to manage the affairs of the company, shall be the officers who have been duly elected and constituted in accordance with the provisions of the original charter of said company, and their successors, who shall be duly elected in accordance with the provisions of said original charter and this charter; and the directors of said company may appoint such subordinate officers and agents as they may deem necessary for the proper dispatch of the business of the company.
- May hold real estate.**
- Where principal office shall be.**
- Officers.**
- May appoint officers.**
- May encumber its estate.** 7. The said company is hereby authorized to buy, hold, sell, lease, mortgage, or otherwise acquire, dispose of, or encumber real and personal estate in the state of Virginia, and is specially authorized to encumber its real or personal estate, or any part thereof, by deed of trust, mortgage, or otherwise, to secure creditors of the company, or any of them, in such order of priority as the company may prescribe, and to raise and provide funds, by deed of trust or mortgage upon its real or personal estate, or any part thereof, to provide for the payment of debts due by the company, or liens encumbering the lands now owned by said company, or lands sold by said company with such liens then existing thereon, and to enable said company to pass the unencumbered title to such lands to its

vendees; and to conduct the business of mining and manufacturing any ores, minerals, metals, materials, or products, at one or more points in this state; to erect and maintain on any of its property, buildings, machinery and structures needful for smelting, manufacturing, and treating ores, metals and minerals of whatever kind, or for the production of manufactured fabrics from wood, stone, wool, cotton, hemp or other material, and may operate, lease, sell, mortgage, or otherwise dispose of the same, and may on its own lands survey and lay out such portion or portions of its lands as the board of directors of the company may select and set apart for the purpose, into divisions, manufacturing sites, town lots, squares, and otherwise, with intervening roads, streets, alleys, or parks, and to improve the same by buildings or otherwise, for sale, lease, mortgage, donation or other distribution, as the company may deem conducive to its successful operation; and may establish such lawful rules and regulations for the use and disposition of its property as the board of directors of the company may deem expedient and determine upon in the form of by-laws or otherwise; and may promote the establishment of industrial enterprises on its property, and for that purpose may lend money on such terms, not exceeding the legal rate of interest, and for such length of time, and upon such security as the board of directors of the company may deem expedient; and may make, issue and sell its bonds from time to time, for such sums of money, and on such terms as its board of directors may deem expedient and proper for the prosecution of any of its works or business, and may secure the payment of the principal and interest thereof, by mortgage or deed of trust upon all or any portion of its properties, rights and franchises, including its franchise to be a corporation; it shall be lawful for said company to establish and construct water-works for supplying the inhabitants of the town of Basic City and other parties in the neighborhood thereof, with water; and also to establish and operate gas-works, and electric works, and also to erect and maintain telephone lines, and to build said lines along the streets of Basic City and the public roads of Augusta county; also to construct, equip, maintain and operate one or more lines of street railway in the town of Basic City, Virginia, and in the neighborhood of said town: provided that no line shall be constructed over or through the streets of any town, without first obtaining the consent thereto of the town council of said town, or along any public road outside of said town in the county of Augusta, without the consent thereto, of the board of supervisors of said county being first obtained. The said line or lines of railway may be operated by horse, steam, electric or other motive power, and may

May erect buildings, etc.

Ruler.

May make and sell its bonds.

Construct water-works.

May erect telephone lines.

Lines of railway.

transport passengers or freight, or both, for such rates of toll as the directors of said company may decide upon; also to build, erect and operate hotels; and may acquire land or privileges necessary for such water-works, gas-works, electric works, street railway and telephones, by purchase, contract, or condemnation, proceedings for such condemnation to be in accordance with the provisions of chapter forty-six of the code of Virginia, and any laws amendatory thereof; and also to purchase, subscribe for and hold stock in any other corporation. The said company shall be authorized to exercise all the powers granted in this charter, any previous statute to the contrary notwithstanding.

Powers.

8. The provisions of this charter and the powers and authority of the said company under the same, shall be treated, dealt with and construed in every respect as though this charter had been granted by act of the general assembly of Virginia, approved on the seventh day of December, eighteen hundred and eighty-nine.

Taxes to be paid in money.

9. All taxes and dues from said company to the state of Virginia, shall be paid in lawful money of the United States, and not in coupons.

Commencem't.

10. This act shall be in force from its passage.

CHAP. 52.—An ACT entitled an act to amend the title of an act, approved February 22, 1890, entitled "an act to incorporate the Norfolk belt line railway company."

Approved January 14, 1892.

1. Be it enacted by the general assembly of Virginia, That the title of the act passed by the general assembly of Virginia, and approved February twenty-two, eighteen hundred and ninety, entitled "an act to incorporate the Norfolk belt line railway company," be amended so as to read "an act to incorporate the Norfolk and Portsmouth belt line railway company."

Title changed.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 53.—An ACT to amend and re-enact sections 1 and 2, chapter 133, acts of assembly 1885, 1886, entitled an act to incorporate the Southwest Virginia institute.

Approved January 14, 1892.

1. Be it enacted by the general assembly of Virginia, That sections one and two of chapter one hundred and thirty-three, acts eighteen hundred and eighty-five and eighty-six, entitled an act to incorporate the Southwest

Virginia institute, be amended and re-enacted so as to read as follows :

§ 1. Be it enacted by the general assembly of Virginia, That J. R. Harrison, R. B. Boatright, J. F. Maiden, M. M. Morris, Samuel D. Jones, A. P. Cole, R. C. Williams, B. D. Hawthorne, Alexander Whitaker, John H. Clarke, Joseph M. Thomas, Noah C. Davenport, and John W. Edmondson, trustees, and such others as may become associated with them, be, and they are hereby, incorporated and made a body politic, by the name and style of the Southwest Virginia institute, for the purpose of keeping and conducting a boarding and day-school of the above name, and of teaching and of giving instruction to such persons as may be committed to their care as pupils of said school in all the various studies and courses of instruction in modern languages, English and French, and in ancient languages, and in music, and the fine arts, and all other matters or things usually prescribed in schools and colleges of the highest grade, with the right and privileges to make and prescribe such rules and regulations, as from time to time may seem fit and proper to them, and to change or alter the same to enable them to conduct the daily and yearly exercises, and successfully to govern, and generally to promote the objects and plans of said institute.

Corporators.

To keep and conduct a boarding and day school.

What may teach.

Rules and regulations.

§ 2. The said institute shall have the power of perpetual succession, and a common seal, which it may alter or amend at its pleasure, and may in its corporate name sue and be sued, implead and be impleaded, contract and be contracted with, purchase, hold, and grant estates, real and personal, for its purposes, and make regulations for the government of all persons, and things and property under its authority, for the management of its estates, and the due and orderly conducting of its affairs: provided said institute shall not, at any time, acquire and hold real and personal estate, exceeding in value five hundred thousand dollars; said corporation shall have power to borrow money and issue its bonds therefor, and secure the payment of said bonds by mortgages and deeds of trust, upon all or any portion of its property, real or personal, and it may, as its business may require, sell, lease, convey and encumber said property.

Right to hold property.

Value of property they may hold.

May sell and convey property.

2. This act shall be in force from its passage.

Commencement.

CHAP. 54.—An ACT changing the name of the Luther coal and iron company.

Approved January 14, 1892.

Whereas the Luther coal and iron company was incorporated by an act of the general assembly of the state of

Virginia, approved February fourth, eighteen hundred and ninety, and it is now desired to change the name of said company without impairing its rights, franchises or obligations; therefore,

1. Be it enacted by the general assembly of Virginia, That the name of the said Luther coal and iron company, be, and the same is hereby, changed to the Crockett's Cove coal and iron company, and by the name of the Crockett's Cove coal and iron company, it shall have its common seal, conduct its operations, and have, exercise and enjoy each and all of the powers, rights and franchises granted by the act aforesaid.

Name changed.

Powers and rights.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 55 —An ACT extending the time for commencing the construction of the railroad of the Dickenson county railway company, and completing its main line.

Approved January 14, 1892.

1. Be it enacted by the general assembly of Virginia, That section nine of chapter two hundred and forty-five, extra session of eighteen hundred and eighty-seven, as amended and re-enacted by chapter thirty-five of private acts of the session of eighteen hundred and eighty-nine-ninety, be amended and re-enacted so as to read as follows:

When to commence construction of railroad.

§ 9. The said company shall be required to commence the construction of the said railroad within two years from the first day of March, eighteen hundred and ninety-two, and to complete the construction of the main line within six years thereafter, or otherwise the powers, privileges, and franchises hereby granted shall be annulled and become void.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 56.—An ACT to amend and re-enact sections 1, 8 and 9 of an act approved March 3. 1890, entitled an act to incorporate the Roanoke, Fincastle and Clifton Forge railroad company.

Approved January 14, 1892.

1. Be it enacted by the general assembly of Virginia, That sections one, eight and nine of an act, approved March third, eighteen hundred and ninety, entitled "an act to incorporate the Roanoke, Fincastle and Clifton Forge railroad company," be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, Corporators.
That William B. Simmons, C. H. Vines, James Goodwin,
Alfred Beckley, A. A. Woodson, Lewis Husman, junior, C.
B. Camper, Cyrus Doggett, Cary Breckenridge, R. J. Gil-
liam, I. R. Godwin, John Ross, A. G. Preston, Charles P.
Jones, and John W. Woods, of Virginia, or such of them
as may accept the provisions of this act, their associates,
successors and assigns, be, and they are hereby, incorpor-
ated and made a body politic and corporate, under the
name and style of the Roanoke, Fincastle and Clifton Name and style.
Forge railroad company; and as such are authorized and
empowered to locate, construct, equip, and operate a rail-
road, commencing at the city of Roanoke, running thence
in a northwesterly direction through the counties of Roa-
noke, Botetourt and Alleghany; through the town of Fin-
castle, in Botetourt, to Clifton Forge or to some point on
the Chesapeake and Ohio railroad, in the counties of Bote-
tourt or Alleghany, by such route as may be deemed most Route.
advisable by the directors of said company; and by that
name shall be known in law.

§ 8. The said company shall be required to commence Time in which
to commence
construction.
the construction of the said railroad within two years
from the first day of January, eighteen hundred and
ninety-two, and complete the construction of its main
line, within five years thereafter; otherwise the powers,
privileges and franchises, hereby granted, shall be "ipso
facto," void. The said company may mine ore and other
minerals from lands received by it in payment of sub-
scription to its capital stock; but such lands shall not be
operated by it for a longer period than fifty years.

§ 9. The general assembly reserves the power to amend, Repealing
clauses.
alter or repeal this charter at its pleasure.

2. This act shall be in force from its passage. Commencem't.

CHAP. 57.—An ACT for the relief of M. W. Jones, treasurer of
Clarke county.

Approved January 14, 1892.

1. Be it enacted by the general assembly of Virginia,
That M. W. Jones, treasurer of Clarke county, may, within
one year from the passage of this act, distrain for and
collect any uncollected tax tickets still in his hands and
not returned delinquent: provided, however, the provis- May collect tax
tickets.
ions of this act shall only extend to taxes due and unpaid
for the years eighteen hundred and eighty-seven, eighteen
hundred and eighty-eight, eighteen hundred and eighty-
nine, and eighteen hundred and ninety.

2. This act shall be in force from its passage. Commencem't.

CHAP. 58.—An ACT to incorporate the Empire transportation company.

Approved January 14, 1892.

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| Corporators. | 1. Be it enacted by the general assembly of Virginia, That E. D. Christian, R. B. Cooke, H. W. Flournoy, H. L. Smith, C. W. Branch, W. A. Young, Tazewell Ellett, H. W. Page, S. B. Witt, John F. Lawler, and their associates, successors, and assigns, be, and hereby are, incorporated into a body politic and corporate by the name of the Empire transportation company, for the purpose and with the power of owning, equipping, leasing, chartering, and running two or more steamboats for the transportation of freight, passengers, and vehicles on the Elizabeth river to and from Lambert's Point and Farmer's creek to Norfolk, and to and from Norfolk and Portsmouth and such other places on the Elizabeth river as the said company may desire. |
| Name and style. | |
| Purposes of company. | |
| Capital stock. | 2. The capital stock of said company shall not be less than fifty thousand dollars nor more than five hundred thousand, divided into shares of one hundred dollars each. The above-named incorporators, or any four of them, are hereby created a commission and authorized to receive subscriptions to the stock of said company in such manner as they may deem necessary, and keep the same open until the minimum capital has been subscribed; thereafter they may call a meeting of the stockholders, who may organize the company. The capital stock may be increased from time to time until the maximum sum named in this act is reached. |
| When to organize. | |
| Increase of stock. | |
| Real estate. | 3. The said company may acquire, by purchase or otherwise, and hold real estate not to exceed two acres at each landing place, and may mortgage and encumber, by deed of trust or otherwise, and dispose of its real estate, wharves, docks, and any other property and privileges as they may deem to be necessary for the proper conduct of their business, and may issue bonds to be secured on its property and franchises. |
| Rules and regulations. | 4. The said company may construct, own, equip, operate, and run a ferry from any of the above-mentioned points to any of the others, and may rent or lease boats and other equipments and terminals necessary for the operation of a ferry or ferries between said points, and may charge and collect tolls for the transportation of freight, passengers, and vehicles. |
| | 5. The said company may make rules and regulations for the management, control and conduct of its business and property, not inconsistent with the laws of the state or of the United States. |

6. The service furnished by this company between Norfolk and Portsmouth, shall be, in point of frequency of trips, equal to or better than that which shall be furnished by the ferry now operating between said points; and the said company shall use no boats between Norfolk and Portsmouth, unless the same are fully equipped to carry vehicles as well as passengers, and to give in other respects, proper and sufficient accommodation for the transportation of both passengers and vehicles.

Frequency of trips.

Accommodations.

7. The provisions of this charter shall be complied with within two years from the passage of this act, otherwise the same shall be void.

8. The general assembly of Virginia reserves the right to alter, amend, or repeal this charter at its pleasure.

9. All taxes due or to become due to the commonwealth of Virginia from the said company, shall be paid in lawful money of the United States, and not in coupons.

10. This act shall be in force from its passage.

Commencem't.

CHAP. 59.—An ACT to authorize the trustees of the Union cemetery company of Leesburg, Loudoun county, Virginia, to sell a portion of their land.

Approved January 14, 1892.

1. Be it enacted by the general assembly of Virginia, That the trustees of the Union cemetery company of Leesburg, in the county of Loudoun, be, and they are hereby, authorized to sell a part of their land, and to execute a deed for the same.

Authorized to sell a part of their land.

2. This act shall be force from its passage.

Commencem't.

CHAP. 60.—An ACT to ratify and confirm and amend the charter of the Norfolk company.

Approved January 14, 1892.

Whereas the corporation court of the city of Norfolk did, on the twenty-first day of May, anno Domini, eighteen hundred and ninety, grant a charter of incorporation to the Norfolk company, as follows:

Preamble.

Virginia: In the corporation court of the city of Norfolk, to-wit: This day came Theodore H. Price, John H. Dingee, F. J. Kimball, Joseph I. Doran, Harry F. West, Richard B. Tunstall, Fergus Reid, Alfred P. Thom, C. G. Ramsay, Walter H. Taylor, and N. M. Osborne, who have

duly made, signed and acknowledged before a notary public, the certificate in writing hereto attached, and presented the same to the court. Upon reading and maturely considering said certificate, and the application therein made, the court doth adjudge, order, and decree that a charter of incorporation be, and is hereby, granted to the said Theodore H. Price, John H. Dingee, F. J. Kimball, Joseph I. Doran, Harry F. West, Richard B. Tunstall, Fergus Reid, Alfred P. Thom, C. G. Ramsay, Walter H. Taylor, and N. M. Osborne, upon the following terms, that is to say:

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| Corporators. | 1. The said Theodore H. Price, John H. Dingee, F. J. Kimball, Joseph I. Doran, Harry F. West, Richard B. Tunstall, Fergus Reid, Alfred P. Thom, C. G. Ramsay, Walter H. Taylor, and N. M. Osborne, and such other persons as are now or may hereafter be associated with them, their successors and assigns, are hereby created a body politic and corporate, under and by the name of the Norfolk company, and as such company shall have all the |
| Powers. | general powers, and be subject to all the general restrictions conferred and imposed, and be governed by the provisions of chapters forty-six and forty-seven, of the code of Virginia, of eighteen hundred and eighty-seven, so far as they are applicable and not inconsistent with this charter. |
| Purposes of the company. | 2. The purposes for which this company is formed, shall be to acquire, improve, lay out, develop, hold and sell real estate in the city of Norfolk, and state of Virginia, and to that end, the company shall have power to lay out streets, avenues, and highways, to grade and pave the same; to construct bridges; to establish public |
| Public grounds, parks, etc. | grounds, squares, and parks; to establish gas-works, and electric light plants for the purpose of furnishing power and light; to construct water-works; to build houses and other structures; and to lend money to persons purchasing real estate from the company, for the purpose of |
| May purchase real estate. | enabling them to improve the same, and generally to do all things necessary for furnishing to persons who may desire to reside or do business there, the attractions, conveniences and facilities of a place of residence or business, and all other powers necessary or convenient to the acquisition, improvement, laying out, developing, holding, and selling such properties, and to the establishment and maintenance of such improvements. |
| Capital stock. | 3. "The capital stock of said company shall be not less than three hundred thousand dollars nor more than five million dollars, divided into shares of one hundred dollars each. |
| How subscriptions to capital stock made. | 4. "The company shall have power to determine how subscriptions to its capital stock may be received, and no notice of the time or place of receiving such subscrip- |

tions shall be necessary. It may increase or diminish its capital stock from time to time in such manner as it may elect within the limits above prescribed.

"Said company shall have the power to issue preferred stock and common stock, and to establish the privileges and preferences on which preferred stock is issued and held, and to determine the time or times at which such preferred stock may be paid off and retired. Preferred stock.

"It shall have power to acquire and hold real estate not to exceed five hundred acres at any one time, and to dispose of, sell, grant, and convey its property, real and personal.

5. "The place at which its principal office is to be kept is the city of Norfolk, in the state of Virginia. Principal office.

6. "The chief business to be transacted by said company is that set forth in paragraph second above.

7. "The names and residences of the officers who, for the first year are to manage the affairs of the company, are as follows: Theodore H. Price, New York city, New York, president; Alfred P. Thom, Norfolk, Virginia, vice-president and general counsel; John H. Dingee, Philadelphia, Pennsylvania, secretary and treasurer. First officers.

"BOARD OF DIRECTORS:

"Richard B. Tunstall, Norfolk, Virginia; F. J. Kimball, Philadelphia, Pennsylvania; Joseph I. Doran, Philadelphia, Pennsylvania; Alfred P. Thom, Norfolk, Virginia; Fergus Reid, Norfolk, Virginia; C. G. Ramsay, Norfolk, Virginia; John H. Dingee, Philadelphia, Pennsylvania; Walter H. Taylor, Norfolk, Virginia; H. F. West, Philadelphia, Pennsylvania; Theodore H. Price, New York city, New York; N. M. Osborne, Norfolk, Virginia. Board of directors.

"The said company shall also have power to accept in payment for property its preferred stock at par so soon as the subscription price for the same shall have been fully paid, in which event the stock so received shall be retired and cancelled. It shall likewise have power to subscribe to, purchase, or otherwise acquire the stock of any other company or companies.

"The said company shall pay all its taxes and other demands against it due the state of Virginia in current money of the United States"; and Taxes to be paid in money.

Whereas under the financial plan under which the said company was organized it was proposed to issue preferred stock, with six per centum cumulative dividends, to the amount of one million dollars and two million dollars of certificates, which were to be transferrable by endorsement and would give the holders the right to receive pro rata a like amount of two million dollars in fully-paid common stock, when and as soon as the net earnings, profits, and assets of the company should warrant the issue of such Preamble.

common shares as fully paid, or as soon as legislative authority therefor could be obtained; therefore,

Enacting clause 1. Be it enacted by the general assembly of Virginia, That the said charter of the Norfolk company, be, and the same hereby, is ratified and confirmed, except in so far as the officers thereof may have been changed in the meanwhile, in which event, such change of officers is also hereby ratified and confirmed.

2. That the said company, be, and it hereby is, authorized to issue common stock, as provided in its financial plan, in lieu of said certificates, which common stock shall be considered as fully paid, and there shall be no individual liability upon the takers or holders of the same in reference thereto.

Commencem't. 3. This act shall be in force from its passage.

CHAP. 61.—An ACT to amend and re-enact an act entitled an act to amend and re-enact section 277, code of Virginia, 1887, in relation to the printing of acts of general assembly, approved January 15, 1890.

Approved January 16, 1892.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to amend and re-enact section two hundred and seventy-seven, code of Virginia, eighteen hundred and eighty-seven, in relation to the printing of acts of general assembly," approved January fifteenth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

How acts and joint resolutions are printed.

§ 277. How acts of general assembly printed.—The acts and joint resolutions of each session of the general assembly shall be printed in octavo form, and in a style to correspond with that of the acts of the session of eighteen hundred and sixty-five and sixty-six, except that the acts and resolutions of each session shall be printed and numbered in the order in which they are passed, and as soon as practicable thereafter.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 62—An ACT to incorporate the Big Stony railway company.

Approved January 16, 1892.

Incorporators.

1. Be it enacted by the general assembly of Virginia, That Frank Woodman, and A. E. Humphreys, of West Virginia; James W. Marshall, F. B. Ohmer, J. W. Cald-

- well, William A. French, and Ballard Watts, of Virginia, and Robert Ballard, of Ohio, or such of them as may accept the provisions of this act, and such other persons and corporations as may hereafter become associated with them, in the manner hereafter provided, shall be, and they are hereby, constituted a body corporate by the name of the "Big Stony railway company," and by that name shall **Name.** have all powers, rights and franchises necessary and proper to construct, equip, maintain and operate a railroad, to be known as the Big Stony railway company, which may commence at some point on the Norfolk and Western railroad, in the county of Giles or Pulaski, in the State of Virginia, and thence by such route as the company may determine, to some suitable point in the county of Giles or Craig, as the said company may determine. **Route.** And the said company shall have power to purchase and hold mineral and timber lands, or any interest therein, in order to furnish tonnage to its road, and to lease or sell the same; but the said company shall not have the right to hold at one time more than one hundred thousand acres of land in this state. **Quantity of land.**
2. The capital stock of the company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each—each share being entitled to one vote; and it shall be lawful for the persons hereinbefore named, or any five of them, to organize the company by the election of a president and board of directors, and such other officers as may be necessary; and thereupon they shall have and exercise all the general powers and functions of a corporation, and be subject to all the restrictions imposed by the laws of the state applicable to internal improvement companies, except so far as the same may be changed or modified by this act. But the said company shall not commence the construction of the said road until there is subscribed, by individuals or corporations, at least the sum of fifty thousand dollars, and at least ten per centum thereof, actually paid in; and any connecting railroad company which is authorized by its charter to subscribe to works of internal improvement, with the assent of this company, may subscribe to the said stock, and subscriptions thereto may be made in money, materials, or lands or any interest therein. **Capital stock.** **Organization.** **Subscriptions.**
3. The board of directors shall have power to issue bonds in sums of not less than one hundred dollars each, bearing interest at not exceeding six per centum per annum, the principal and interest payable at such times and places as the board of directors may determine, and may secure the same by one or more mortgages on the road, franchises, incomes, and real and personal property of the company (or the same may be guaranteed by other railroad companies), or such parts thereof as may be **Power to issue bonds.** **Mortgages.**

7. The said company may lease its line of railway, or any part thereof, and other property; and it may merge and consolidate with any connecting railroad or railway company, or other corporation, upon such terms as may be agreed upon by the contracting parties, with the approval of a majority in value of their stockholders, and may adopt another name for the consolidated company; or it may sell its franchises, railway, or other property to such connecting railway company, unless it be a competing line or other corporation, upon such terms as may be agreed upon by the contracting parties, with like approval of the stockholders, full power and authority being hereby given to it and such other company or companies to make and carry out such contract as will facilitate and make binding such union, merger or consolidation, or any lease or sale: provided, a copy of such contract of sale, consolidation or merger, shall be filed in the office of the board of public works of this state; and any railway company or other corporations may guarantee or hold the stocks or bonds of this said company.

8. It shall be lawful for said company to borrow money, and issue and sell its bonds from time to time, for such sums and in such denominations, and upon such terms as the board of directors may deem best for the purposes of the company, and may secure the payments of the same by deeds of trust or mortgages upon its road-bed or other property, either upon all or any part of its property, real, personal or mixed, or its contracts, privileges, rights or franchises, or such parts thereof, as may be designated in the deeds of trust or mortgages.

9. The directors of said company shall be stockholders, and they shall elect one of their number president of the company. They shall be elected, and their number fixed by the stockholders in the annual meeting of the company, and they shall hold office until their successors are elected.

10. For the purpose of organizing said company, the nine persons first named in this act shall constitute the first board of directors, and shall serve until its first meeting of stockholders. Three or more may act, and may receive subscriptions to the capital stock of the company at any time or place, and when the sum of fifty thousand (\$50,000) dollars shall have been subscribed, they shall convene the stockholders and organize the company. They shall certify the organization of the company and sign the same upon its books, and their certificates or a copy thereof, duly authenticated by a notary public, shall be received as evidence of the legal organization of the company.

11. No stockholder shall be held liable for the indebtedness of the company in a sum greater than may be due upon the stock subscribed for or purchased by him.

12. The principal office of the company shall be at Salem, Virginia; but meetings of the board of directors, or stockholders, may be held elsewhere in the state of Virginia, as the board of directors or the stockholders in general meeting may respectively determine.

Principal office at Salem.

13. Said company shall begin the construction of its road within two (2) years from the first day of April, eighteen hundred and ninety-two, and complete the same within five years thereafter; otherwise all powers under this charter shall be void.

When to begin construction; when to complete the same.

14. All assessments, taxes, dues and demands, due to the commonwealth of Virginia, shall be paid in lawful money of the United States, and not in coupons.

Taxes to be paid in money.

15. This act shall be in force from its passage:

CHAP. 65.—An ACT to incorporate the Salem and Craig railway and mining company.

Approved January 16, 1892.

1. Be it enacted by the general assembly of Virginia, That J. C. Langhorne, C. W. Howard, A. M. Bowman, Jas. W. Marshall, J. W. F. Allemong, Geo. W. Palmer, W. W. Ballard, W. A. Connell, Frank D. Hill, J. C. McDonald, Chas. G. Wortham, W. W. Brand, A. L. Boulware, D. B. Strouse, Jno. W. Caldwell, T. J. Shickel, M. B. Rowe, E. M. Worden, and W. T. Younger, all of the state of Virginia; and Frank Woodman and E. A. Humphreys, of the state of West Virginia, or such of them as may accept the provisions of this charter, and such other persons and corporations as may become associated with them in the manner hereinafter provided, shall be, and they are hereby, constituted and made a body corporate by the name of the Salem and Craig railway and mining company, and as such authorized and empowered to locate, construct, equip and operate a railroad of standard gauge, of single or double track, commencing in or at the town of Salem, in Roanoke county, and connecting with the Norfolk and Western railroad at Salem, and with such other railroads as may be constructed to that town, and thence running by the most practicable and eligible route deemed advisable by the board of directors of said company, to such place or point in Craig county, Virginia, as will make connection with, or intersect the railroad now in operation in said county, or with such other railroads as may be hereafter constructed up Craig's creek, from said railroad now in operation, said point to be determined by the board of directors; and may extend its main line westwardly to

Incorporators.

Name.

Route.

7. The said company may lease its line of railway, or any part thereof, and other property; and it may merge and consolidate with any connecting railroad or railway company, or other corporation, upon such terms as may be agreed upon by the contracting parties, with the approval of a majority in value of their stockholders, and may adopt another name for the consolidated company; or it may sell its franchises, railway, or other property to such connecting railway company, unless it be a competing line or other corporation, upon such terms as may be agreed upon by the contracting parties, with like approval of the stockholders, full power and authority being hereby given to it and such other company or companies to make and carry out such contract as will facilitate and make binding such union, merger or consolidation, or any lease or sale: provided, a copy of such contract of sale, consolidation or merger, shall be filed in the office of the board of public works of this state; and any railway company or other corporations may guarantee or hold the stocks or bonds of this said company.

8. It shall be lawful for said company to borrow money, and issue and sell its bonds from time to time, for such sums and in such denominations, and upon such terms as the board of directors may deem best for the purposes of the company, and may secure the payments of the same by deeds of trust or mortgages upon its road-bed or other property, either upon all or any part of its property, real, personal or mixed, or its contracts, privileges, rights or franchises, or such parts thereof, as may be designated in the deeds of trust or mortgages.

9. The directors of said company shall be stockholders, and they shall elect one of their number president of the company. They shall be elected, and their number fixed by the stockholders in the annual meeting of the company, and they shall hold office until their successors are elected.

10. For the purpose of organizing said company, the nine persons first named in this act shall constitute the first board of directors, and shall serve until its first meeting of stockholders. Three or more may act, and may receive subscriptions to the capital stock of the company at any time or place, and when the sum of fifty thousand (\$50,000) dollars shall have been subscribed, they shall convene the stockholders and organize the company. They shall certify the organization of the company and sign the same upon its books, and their certificates or a copy thereof, duly authenticated by a notary public, shall be received as evidence of the legal organization of the company.

11. No stockholder shall be held liable for the indebtedness of the company in a sum greater than may be due upon the stock subscribed for or purchased by him.

12. The principal office of the company shall be at Salem, Virginia; but meetings of the board of directors, or stockholders, may be held elsewhere in the state of Virginia, as the board of directors or the stockholders in general meeting may respectively determine.

13. Said company shall begin the construction of its road within two (2) years from the first day of April, eighteen hundred and ninety-two, and complete the same within five years thereafter; otherwise all powers under this charter shall be void.

14. All assessments, taxes, dues and demands, due to the commonwealth of Virginia, shall be paid in lawful money of the United States, and not in coupons.

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Principal office
at Salem.

When to begin
construction;
when to com-
plete the same.

Taxes to be
paid in money.

Incorporators.

Name.

Route.

To construct
lateral or
branch roads.

the Tennessee or Kentucky line, by the most eligible and practicable route to be determined by said board of directors; and may also construct a branch line from a point on its main line down New river to the West Virginia line. And it shall be lawful for the said company to construct and operate lateral or branch roads from its main line, not to exceed twenty miles in length, which shall have all the rights, powers and franchises, and be subjected to the same restrictions as the main line.

By-laws, rules,
etc.

2. Said company shall have perpetual succession, and a common seal, which it may renew or alter at will; may sue and be sued, plead and be impleaded, contract and be contracted with, and adopt by-laws, rules and regulations for the government of its officers and employees, not inconsistent with the laws of the United States or the state of Virginia.

Quantity of
real estate it
may hold.

3. The said company is authorized and empowered to purchase, hold, lease or control in any manner, sell, grant and convey mineral and timber lands and personal estate; but shall not hold any more real estate than is proper for its purposes, and not to exceed fifty thousand acres at any one time; nor shall it hold real estate except in the counties of Roanoke and Craig, and the counties adjacent thereto. The said company may mine and dig for iron ores and other minerals and metals; and may manufacture iron, steel, fire-brick, glass, or any other article composed wholly or partly of iron or wood, or of any metal or mineral or vegetable substance, and may market and sell the same; and for this purpose it may erect furnaces, rolling-mills, forges, saw-mills, and any machinery or manufactures upon its lands, necessary and proper for its business, and may operate, lease or sell the same.

What may
mine and dig
for.

Condemnation
of lands.

4. The said company is authorized and empowered to acquire by condemnation, according to the laws of Virginia, the lands required for right of way for its railroad and the lateral branches thereof; and for all sidings, turn-outs, depots, and all other necessary purposes of said railroad, to cross at surface grade, over or under any railroad now built or constructed, or that may hereafter be built or constructed, subject to the provisions of the general laws of this state; and may consolidate or connect with any line of railroad now constructed or may hereafter be constructed, in the counties of Roanoke and Craig, or the counties adjacent thereto. Or it may acquire by lease or purchase, any railroad now constructed or that may hereafter be constructed in this state: provided the same is not a competing line; or may lease or sell to any such railroad, not a competing line, or other corporation, its railroad and all its rights, privileges and franchises belonging to the same, or all or any of its properties, char-

May consoli-
date.

tered rights or franchises, upon such terms as may be agreed upon by a majority of its stockholders.

5. The capital stock of the said company shall not be less than fifty thousand dollars, and may from time to time, be increased to a sum not exceeding five million dollars; and may be divided into preferred and common stock, to be sold in shares, the par value of which shall be one hundred dollars, under such regulations and upon such terms as the board of directors shall from time to time prescribe. And the said directors may receive subscriptions to its capital stock from individuals, from other companies, associations, or corporations; and to receive in payment of any such subscriptions, money, lands, loans, work, labor, material, property or other means available for its purposes, at such valuation and at such prices as may be agreed upon between the directors of said company and the subscribers.

Capital stock.

What may receive in payment of subscriptions.

6. It shall be lawful for said company to borrow money, and issue and sell its bonds from time to time, for such sums, and upon such terms as its board of directors may prescribe, and may secure the payment of said bonds, by mortgages or deeds of trust upon its railroad or any part thereof, or upon its lands, or upon all or any of its property, real, personal or mixed; its contracts and privileges, its charter, rights and franchises, including its franchises to be a corporation.

May borrow money.

7. It shall be lawful for said company to subscribe to and hold the capital stock of any other mining or manufacturing company, or other corporation; may lease or operate the property or railroad, or both, of said mining or manufacturing company or other corporation, and guarantee the bonds or stocks of such mining, manufacturing company, or other corporation,

May guarantee bonds.

8. No stockholder shall be liable for the indebtedness of the said company in a sum greater than may be due by him on stock subscribed for or purchased by him.

Liability of stockholders.

9. The principal office of the company shall be at Salem, Virginia; but meetings of the board of directors or stockholders may be held elsewhere in the state of Virginia, as the board of directors, or stockholders, in general meeting, may respectively determine.

Principal office at Salem.

10. For the purpose of organizing said company, the persons named herein as corporators, or any one or more of them, may receive subscriptions to the capital stock of said company, at any time or place, without advertising, and when the sum of fifty thousand dollars shall have been subscribed, they, or any five of them, shall convene the stockholders and organize the company, and certify such organization upon the books of the company, and such certificate, or a copy thereof, duly authenticated by

Organization.

Evidence of legal organization.

a notary public, shall be received as evidence of legal organization of the company.

When to commence and complete construction.

11. Said company, or its successors, shall begin the work of constructing this railroad two years from the first day of April, eighteen hundred and ninety-two, and complete the same within five years thereafter, otherwise the powers, privileges and franchises granted to said company shall be ipso facto void.

Declared to be a domestic corporation.

12. The said company, and its successor, whether by consolidation, lease, purchase, or sale, with, of, or by any other corporation or company, in this or any other state, is hereby declared to be a domestic corporation, and subject to the jurisdiction and laws of this commonwealth; and in the event that such corporation or company fail or refuses to comply with the provisions of this charter, all the powers, privileges and franchises hereby granted, shall be ipso facto void: provided, however, that any forfeiture of the powers, privileges and franchises granted under this statute shall only be effective as against the corporation hereby created, and shall not affect the title, estate or interest of the bondholders and other creditors of said corporation, or impair the rights of such bondholders and other creditors, to have the property and franchises of such corporation sold and the proceeds thereof applied to the payment of its bonds and other indebtedness, in accordance with their priority as secured by mortgage, lien or otherwise.

Payment of indebtedness.

What counties may subscribe to the capital stock.

13. The town of Salem, and the counties of Roanoke and Craig, or any other counties through which its line of railroad may be located, may subscribe to the capital stock of said company in the manner and under the restrictions prescribed by the laws of the state of Virginia.

Rights and privileges.

14. The said company is granted all the rights and privileges and franchises granted to railroads and common carriers, and subject to all restrictions required by the general laws of the state of Virginia.

Taxes to be paid in money.

15. All assessments, taxes, dues and demands due to the commonwealth of Virginia shall be paid in lawful money of the United States, and not in coupons.

16. This act shall be in force from its passage.

CHAP. 68.—An ACT to incorporate the Norton street railway company, in Wise county.

Approved January 16, 1892.

1. Be it enacted by the general assembly of Virginia,
 Incorporators. That W. A. Ayers, F. Kerr Ffolliot, C. F. Flanary, C. F. Hagan, P. H. Rorer, I. S. Ross, and E. P. Tate, and their

associates and successors, be, and are hereby, constituted a body corporate by the name and style of the Norton street railway company.

2. The said company shall have power and authority to ^{Power.} construct, equip, maintain and operate a street railway in and along any of the streets or roads within the proposed town of Norton, known as East Norton and West Norton, Wise county, Virginia.

3. It shall be lawful for said company to transport pas- ^{Business.} sengers, freight, baggage, and United States mails over the line of their railway, and to collect fare and tolls for same; and may use horse, steam, or electric power to propel the cars on its road.

4. The capital stock of said company shall not be less ^{Capital stock.} than two thousand dollars, nor more than fifty thousand dollars, to be divided into shares of fifty dollars each.

5. The said company may acquire and own real estate, ^{May own real estate.} not to exceed five hundred acres, and shall always have its principal office in the town of Norton.

6. Said company shall have power and authority to ^{May lease its road, etc.} lease its road or roads, and to borrow money for the use of the corporation, and to secure such loans by deed of trust or mortgage on all or part of its real estate and franchises and income.

7. Said company shall have power and authority to con- ^{Power to con-} solidate with and to co-operate with any railway or street solidate. railway company incorporated under the laws of Virginia.

8. The incorporators hereinbefore named, shall constitute the first board of directors of said company, and ^{Board of directors.} until their successors are elected by the stockholders, shall manage the affairs of said company. And said com- ^{Taxes to be paid in money} pany shall pay its taxes in money, and not in coupons.

9. This act shall be in force from its passage.

CHAP. 67.—An ACT to authorize and empower the Alleghany iron company to construct and operate a railroad under certain limitations.

Approved January 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the Alleghany iron company, a corporation duly incorporated by an order of the circuit court of Alleghany county, on the eighth day of May, eighteen hundred and ninety-one, and the charter whereof was recorded in the office of the secretary of the commonwealth, on the twenty-third day of May, eighteen hundred and ninety-one, according to law, shall have in addition to the powers ^{Power and franchise.} now conferred upon it, the further power and franchise, as follows:

- § 1. The said company is authorized and empowered to construct and operate a tramway or railway with single or double tracks, standard or narrow gauge; said tramway or railway may be operated by horse or steam power, or such other power as may be adopted by said company, and may run to and from any of the properties owned or leased by said company in the counties of Alleghany, Botetourt and Craig, from and through any or all of said counties; and said company may make connection with any railroad traversing any of said counties; but any such railroad shall not exceed fifty miles in length; and in respect thereto, the said company shall have all the rights and be subject to all the duties of a common carrier. The said company shall have the power to make all necessary condemnations for its right of way and for terminal facilities as are provided for, and in the manner prescribed by the laws and statutes of this state: provided, however, that it shall not exercise such right of condemnation as to any land held by it under a mining lease or over which, under or by any contract of mining lease, it has acquired the right of way for the term of said lease. It shall be lawful for the said corporation to acquire by purchase any railway, railroad property, and equipment and rolling-stock, or any other property from any other corporation or person: provided, such railway shall conform in its location, limits and extent to any railway which said corporation might construct under powers of this act.
2. It shall be lawful for the said company to borrow money, and to issue and sell its bonds from time to time, and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its work, and to secure the payment of said bonds by mortgage or deed of trust upon all or any portion of its said railway or railroad property, as well as its other property.
3. This act shall be in force from its passage.

May construct
a tramway or
railway.

Condemnations

What property
may acquire by
purchase.

May borrow
money.

CHAP. 68.—An ACT appropriating three thousand two hundred dollars to the Confederate soldiers' and sailors' monument association.

Approved January 16, 1892.

Whereas the Confederate soldiers' and sailors' monument association is now erecting on Libby hill, in the city of Richmond, a monument to commemorate the valor of the private soldiers and sailors of the Confederate States, in the construction of which monument it is proposed and desired that each state of the Southern confederacy shall be

represented by a section of the granite shaft with the name of such state carved thereon; therefore,

1. Be it enacted by the general assembly of Virginia, That the sum of thirty-two hundred dollars be, and the same is hereby, appropriated to defray the cost of the cap- Appropriation.
stone of said monument; and that the auditor of public accounts be, and he is hereby, directed to issue his warrant on the treasurer of the commonwealth in favor of William H. Cullingworth, treasurer of the Confederate soldiers' and Payable to
treasurer of
association.
sailors' monument association, for the said sum of thirty-two hundred dollars out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage. Commencem't.

CHAP. 69.—An ACT to amend sections 2, 3, 5, 11 and 15 of an act to incorporate the Virginia safe deposit and fidelity company, approved March 4, 1890.

Approved January 19, 1892.

1. Be it enacted by the general assembly of Virginia, That sections two, three, five, eleven and fifteen of an act to incorporate the Virginia safe deposit and fidelity company, approved March fourth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows: Capital stock.

§ 2. The capital stock of said company shall not be less than five hundred thousand dollars, nor more than two million of dollars, to be divided into shares of one hundred dollars each; and when not less than the minimum amount of stock has been subscribed, the stockholders may elect a president, vice-president, and a secretary and treasurer, and not less than seven directors in addition to the president and vice-president, who shall be ex-officio directors of such company, which officers shall serve for one year, and thereafter until their successors are elected; and the directors so elected shall have power to prescribe the rules and regulations for the government of affairs of said company, not inconsistent with this act, and they may, from time to time, amend the same. Such rules and regulations shall be printed, and, together with this charter, shall be accessible at its place of business to all persons doing business with the company.

§ 3. The capital stock of said company shall be invested in bonds, notes or other evidences of debt, secured by deed of trust or mortgage upon fee simple or leasehold estate, or otherwise safely secured, or in securities or bonds of the United States, or the bonds of the state of Virginia, known as the Riddleberger bonds, or bonds of subsequent

How capital
stock shall be
invested.

issue of the state of Virginia, or the bonds of incorporated cities within this state, or in real estate, and the erection of suitable buildings thereon, in which to conduct the business of the company, as in the discretion of the directors shall seem best.

May appoint
the company a
trustee.

§ 5. That in all cases where an application may be made to any court having jurisdiction to appoint a curator, guardian of an infant, committee of an idiot or insane person, administrator of any person dying testate or intestate, trustee or receiver, such court shall have power to appoint said company as such curator, guardian, committee, administrator, trustee or receiver, upon the like application that any person might be so appointed; and it shall be lawful for any person, by deed, will or other writing, to appoint said company a trustee, executor, guardian, assignee, or receiver, and as such executor, guardian of an infant, committee of an idiot or insane person, administrator, trustee, executor, assignee, or receiver of said company, may lawfully act, and as such shall be subject to all the obligations and liabilities of natural persons acting in like capacities.

To insure fidelity
of persons
holding places
of trust.

§ 11. That the said company shall be, and is hereby, authorized and empowered to insure the fidelity of persons holding places of trust or responsibility, or of any corporation, company, person or persons whatsoever; to endorse for and to enter security, or become the security for the faithful performance of any trust, duty, contract or agreement; to go upon any bond for appeal, or to go upon any injunction, attachment or other bond required by law of any person, and in every such case the capital stock of the said company shall be taken and considered as sufficient security therefor: provided, on examination of the officers and affairs of the said company, or otherwise, the court shall be satisfied of the sufficiency of said company, and its property and effects shall be liable as aforesaid; and it shall be lawful for the said company to stipulate and provide for indemnity, from the parties aforesaid for whom it shall so become responsible, and to enforce any bond, contract, agreement, pledge, or security made or given for that purpose: provided, that this company shall not be authorized by anything in this act contained to endorse the bond or become security for the faithful performance of the duty of any public officer; but the said company may become surety on the bonds of fiduciaries.

Liability.

Authorized to
execute papers.

§ 15. That the said company is authorized to make, execute, and issue, in the transaction of its business, all papers, receipts, certificates, vouchers, and contracts, which shall bear the impression or stamp of the seal of the company, and shall be signed by the president or vice-president, and countersigned by the secretary.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 70.—An ACT to amend sections 1747 and 1750 of the code of Virginia, of 1887, in regard to the examination of applicants for the practice of medicine and surgery.

Approved January 19, 1892.

1. Be it enacted by the general assembly of Virginia, That sections seventeen hundred and forty-seven and seventeen hundred and fifty, of the code of Virginia, of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 1747. Examination of applicants for the practice of medicine.—Re-examination.—Fees of board. It shall be the duty of said board, at any of its meetings, to examine all persons making application to them, who shall desire to commence the practice of medicine or surgery in this state, and when an applicant shall have passed an examination satisfactorily as to proficiency before the board in session, the president thereof shall grant to such applicant certificate to that effect. A fee of five dollars shall be paid to said board, through such officers or members as it may designate, by each applicant before such examination is had. In case any applicant shall fail to pass a satisfactory examination before the board, he shall not be permitted to stand any further examination within the next three months thereafter, nor shall he have again to pay the fee prescribed as aforesaid: provided, however, no applicant shall be rejected upon his examination on account of his adherence to any particular school of medicine or system of practice, nor on account of his views as to the method of treatment and cure of diseases; and provided further, that when in the opinion of the president of the board, any applicant has been prevented by good cause from appearing before the board, he shall appoint a committee of three members, who shall examine such applicant, and may grant him a certificate, which shall have the same force and effect as though granted him by the full board, until the applicant shall have an opportunity to appear before the said board, when, if applicant failing to appear for examination, the president of the board shall have authority to revoke said certificate, or in any case the president shall have authority, at his discretion, to grant a special permit to any applicant to practice medicine, until he shall have an opportunity to appear before the board in session, for examination, which shall be revokable at the discretion of the president. The said board shall have, in their discretion, authority to accept, in lieu of examination of an applicant, a certificate from the medical board of any other state, showing that said applicant has passed a satisfactory examination as to his proficiency.

Examination of applicants for practice of medicine.

Fee.

Committee.

Certificate.

Satisfactory examination.

ciency, and obtain license from said board to practice medicine and surgery in said state.

Who prohibited
from practicing
medicine with-
out certificate.

§ 1750. *Who prohibited from practicing medicine without certificate.*—No person who shall have commenced the practice of medicine or surgery since the first day of January, eighteen hundred and eighty-five, or who shall hereafter commence the practice of the same, shall practice as a physician or surgeon, for compensation, without having first obtained a certificate and caused the same to be recorded as aforesaid. Any person violating the provisions of this section shall be fined not less than fifty nor more than five hundred dollars for each offence, and be debarred from receiving any compensation for services rendered as such physician or surgeon. Any person who shall have been assessed with a license-tax, as a physician or surgeon, by any commissioner of the revenue in this state, at any time prior to the first day of July, eighteen hundred and ninety-two, shall be taken as having commenced the practice of medicine or surgery, prior to that date; but any person who shall not have been so assessed, shall be taken as not having commenced such practice prior to that date.

License tax.

2. This act shall be in force from its passage.

CHAP. 71.—An ACT for the relief of J. R. Whitehead, treasurer of Pittsylvania county.

Approved January 19, 1892.

Compensation
for disbursing
funds.

1. Be it enacted by the general assembly of Virginia, That the county school board for the county of Pittsylvania be, and they are hereby, empowered to allow J. R. Whitehead, county treasurer of said county, in his annual settlement with them, on account of school funds to be apportioned said county for the year eighteen hundred and ninety-one, a sum which shall be equal to not exceeding two per centum on school funds apportioned to said county under act of March third, eighteen hundred and seventy-nine, for the years eighteen hundred and seventy-nine, eighteen hundred and eighty, and eighteen hundred and eighty-one, for which years he did not receive compensation, as by law he was entitled for disbursing said funds.

2. This act shall be in force from its passage.

CHAP. 72.—An ACT to incorporate the Chesapeake, Shendun and Western railroad company.

Approved January 22, 1892.

1. Be it enacted by the general assembly of Virginia, That Jed Hotchkiss, H. M. Bell, M. Erskine Miller, R. H. Catlett, and J. N. Stubbs, and their associates, successors, and assigns, be, and they are hereby, made and declared a body politic and corporate by the name and style of the Chesapeake, Shendun, and Western railroad company.

Corporators.

Name and style.

2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and may, from time to time, be increased by the board of directors to any amount not exceeding ten million of dollars.

Capital stock.

Maximum.

3. The said Chesapeake, Shendun, and Western railroad company is authorized and empowered to locate, construct, equip, and operate a railroad of standard gauge, with a single or double track, commencing at any point it may select on or between the Potomac and York rivers, and running thence by the most practicable, eligible and direct route deemed advisable by the directors of said company, to such point as it may elect on the the West Virginia state line. And it shall be lawful for said company to construct and maintain lateral or branch roads of standard or narrow gauge not exceeding twenty miles each in length, which shall have all the rights and powers, and be subject to the same restrictions as the main line.

Route of road.

4. The said company shall have power to borrow money or issue and sell its bonds from time to time on such terms as the board of directors may deem proper and necessary in the prosecution of any of its works; and to secure the payment of said loan or loans or bonds, the said company may create one or more mortgages or deeds of trust on the whole or any part of its property, chartered rights and franchises.

May borrow money and issue bonds.

5. The said company may receive subscriptions to its capital stock in land, property, materials, and equipment, at such valuation and upon such terms as may be agreed upon between the said company and the subscribers, and may exchange its bonds therefor, and may hold, improve, sell, or convey at pleasure all lands so acquired: provided that said company shall not hold land not needed for the purposes of its incorporation for a longer period than twenty years.

Subscriptions to capital stock.

6. Any county, city, or town on or near the line of railroad of said company, or any branch thereof, may subscribe to its capital stock in the mode prescribed by law.

7. The said company shall have power to cross at grade over or under any other railroad now constructed, or which

shall be hereafter constructed within this state, at any point on its route subject to the provisions of the general law of this state; to unite its roads with any of said roads, and to enter upon the grounds of such railroad companies with the necessary turnouts, sidings, switches, and conveniences in furtherance of the objects of its construction, as well as to facilitate the economical exchange of passengers and traffic between the respective roads: provided that the acquisition of any of the real estate of another company shall be in the mode prescribed by the law of this state.

May consolidate or merge with other roads.

8. It shall be lawful for said company to consolidate with, or lease or purchase the works, property, franchises, and privileges of any other railroad company, in or out of the state of Virginia, whose line of railroad connects, or will connect with the railroad hereby authorized to be constructed; and any railroad company heretofore incorporated in the state of Virginia, whose line of railroad connects with, or will connect with the railroad hereby authorized to be constructed, or which lies along its route, so as to be used as a part of its main line, or in lieu of such lateral or branch road as this company is authorized to construct, is hereby authorized to consolidate with, or sell to, or lease its works, property, franchises, and privileges to the said Chesapeake, Shundun, and Western railroad company: provided, that such consolidation, lease or purchase, or sale, shall be made only upon such terms and conditions as shall be agreed upon by a majority of the stockholders in each of the said companies; and provided further, that the company hereby incorporated shall never, by reason of consolidation with any other company, lose its identity, or cease to be a domestic corporation, subject to the jurisdiction of the courts of this state.

Shall not lose its identity.

Board of directors.

9. The incorporators named in this act shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. They shall have the power and authority of a president and board of directors for the purpose of organization, and for all other purposes incidental thereto. They shall elect one of their number president of the board, and may appoint such officers as they may deem proper. They shall fill any vacancy that may occur in the board or in the office of president, and may receive subscriptions to the capital stock of the company. Whenever one hundred thousand dollars of the capital stock shall have been subscribed, and the tax on the charter paid, the board of directors shall proceed to organize the company by the election of a president, vice-president, secretary, treasurer, and such other officers and agents as may be required; thereupon the said company shall be considered legally organized, and shall have all the general powers conferred upon corporations and chartered companies by the laws of this

When it may proceed to organize.

state, and shall be subject to all the provisions thereof, except so far as the same are modified, or are inconsistent with this act.

10. The board of directors of said company is authorized, at any meeting, when a majority of the directors are present, if they deem it advisable, to change the name of said company. ^{May change its name.}

11. All taxes which may be assessed against said company shall be paid in lawful money of the United States, and not in coupons; and the general assembly of Virginia reserves the right to alter or repeal this act any time hereafter. ^{Taxes.}

12. This act shall be in force from its passage. ^{Commencem't.}

CHAP. 73.—An ACT to amend and re-enact section 1 of the act approved January 14, 1890, entitled an act to amend and re-enact section 8 of the act approved March 3, 1884, entitled an act to incorporate the Virginia western railroad company.

Approved January 22, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of the act approved January fourteenth, eighteen hundred and ninety, entitled an act to amend and re-enact section eight of the act approved March third, eighteen hundred and eighty-four, entitled an act to incorporate the Virginia western railroad company, and section eight of the said act approved March third, eighteen hundred and eighty-four, be, and the same are hereby, amended and re-enacted so as to read as follows:

§ 8. Said company, or its successors, shall begin the work of constructing its railroad within two years from March third, eighteen hundred and ninety-two, and shall complete its main line in this state within five years from said last named date.

2. This act shall be in force from its passage. ^{Commencem't.}

CHAP. 74.—An ACT to amend and re-enact section 14 of an act incorporating the Falls Church and Potomac railway company, approved January 24, 1888, as amended by an act approved January 24, 1890, entitled an act to amend and re-enact section 14 of an act incorporating the Falls Church and Potomac railroad company.

Approved January 22, 1892.

1. Be it enacted by the general assembly of Virginia, That section fourteen of the act incorporating the Falls Church and Potomac railway company, approved January twenty-fourth, eighteen hundred and eighty-eight, as

amended by an act approved January twenty-fourth, eighteen hundred and ninety, entitled an act to amend and re-enact section fourteen of an act incorporating the Falls Church and Potomac railroad company, be amended and re-enacted so as to read as follows :

§ 14. This corporation shall begin operations and work upon its road within two years from January twenty-fourth, eighteen hundred and ninety-two, and shall, within five years thereafter, have its road completed and in operation from its starting point to Falls Church, in Virginia. If that be so done within that time, then this act shall be forever operative: provided that after the completion of said road from the beginning to Falls Church, or Fairfax court-house, it shall be optional with the said company to continue the same to the other points named in this charter; and provided further, that the failure to build the same to Falls Church, or Fairfax court-house, shall in no wise effect this charter as applicable to the portion constructed, but the same shall continue in force.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 75.—An ACT to permit Campagnie Francaise du Telegraphe de Paris a New York, to land sub-marine cables on the coast of the state of Virginia, and to admit the same to be connected with all lines for transmitting intelligence in said state, and to acquire and hold the necessary land and property therefor.

Approved January 22, 1892.

1. Be it enacted by the general assembly of Virginia, That the Campagnie Française du telegraphe de Paris, & New York, a corporation duly and legally organized and existing under and by virtue of the laws of the republic of France, be, and the same is hereby, authorized and empowered to approach within the legal jurisdiction of this state from the ocean, bays, or inlets bordering thereon, and to lay within said jurisdiction and to land the same on the coast of this state, sub-marine cables, and to connect said cables, when so landed, with telegraph, telephone, and other lines in this state for the transmission of intelligence within and beyond this state.

2. That said corporation shall have the power to acquire by donation or purchase, and to hold and own in its own name, land and other property within this state necessary to be used as stations on the coast of this state for the landing, maintaining, and using said sub-marine cables and making the proper connections with other lines transmitting intelligence as herein above permitted.

Commencem't. 3. This act shall be force from and after its passage.

CHAP. 76.—An ACT to amend and re-enact sections 13 and 50 of sessions acts of 1889-1890, entitled an act to change the name of the town of Goodson to the city of Bristol, and provide a new charter for the same, and section 48 of said act as amended by an act approved March 3, 1890.

Approved January 22, 1892.

1. Be it enacted by the general assembly of Virginia, That sections thirteen and fifty, of chapter two hundred and two, of sessions acts of eighteen hundred and eighty-nine and ninety, entitled an act to change the name of the town of Goodson to the city of Bristol, and provide a new charter for the same, and section forty-eight of said act, as amended by an act approved March the third, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 13. The council of the city shall be composed of nine members. Each ward shall be represented by an equal number of councilmen, qualified to hold office. They shall be elected by the popular vote of the city, as hereinbefore provided. Any vacancy in the council caused by death, resignation, or otherwise, shall be filled by the council, by the election of some one eligible to such office.

§ 50. For the execution of its powers and duties, the city council may levy and raise taxes annually by assess-^{May levy and raise taxes.} ments in said city, on all real and personal property within the limits of said city, and on all other subjects taxable by the state, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient: provided that no tax levied by the city upon any real or personal property in said city shall exceed two dollars and fifty cents upon the one hundred dollars assessed value thereof; and provided also, that the city council shall have power, by a two-thirds vote, to exempt from city taxation, any manufacturing establishment for a period not exceeding five years.

§ 48. The city council may, in the name of, and for the use of the city, contract loans, or caused to be issued certificates of debt or bonds: provided no such certificate of debt or bonds shall be issued except by a two-thirds vote of the council; but such loans, certificates or bonds shall not be irredeemable for a period greater than thirty-four years: provided, further, that the council of said city shall levy and collect such an amount of taxes per annum as may be necessary to pay the interest on such certificates or bonds, and provide a sinking fund to pay the principal of same. All contracts for erection of public improvements within the jurisdiction of the city council, shall be let to the lowest bidder, and notices shall be given at least

thirty days before the work is finally let, by advertising, in one or more newspapers published in the city, and the party to whom said contract shall be let, shall give such bond as the council may require; but in no event shall any contract be let to any member of the city council, nor shall any member have any interest in such contract.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

Commencement. 3. This act shall be in force from its passage.

CHAP. 77 —An ACT to incorporate the Continental savings and loan company.

Approved January 22, 1882.

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| Corporators. | 1. Be it enacted by the general assembly of Virginia, That Bird M. Robinson, H. E. McCoy, A. D. Reynolds, E. S. Kendrick, James H. Robinson, John C. Anderson, C. L. Sevier, M. T. DeVault, H. E. Jones, their associates and successors, are hereby incorporated and constituted a body |
| Name of company. | politic and corporate under and by the name of the Continental savings and loan company, and by that name shall be known in law; and shall have perpetual succession, and have power to sue and be sued; plead and be impleaded; defend and be defended, in all courts, whether in law or equity; and may make and have a common seal, and alter and renew the same at pleasure; and shall have, |
| Powers and privileges. | enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act; and make by-laws, rules, and regulations, consistent with the laws of the state, for the government of all under its authority, the management of its estate and properties, and the due and orderly conduct of its affairs. |
| The capital stock. | 2. The capital to be accumulated shall not exceed twenty-five million dollars, and shall be divided into shares of the ultimate value of fifty dollars per share. The shares may be issued in monthly series, as the board of directors may determine. No person shall hold more than two hundred shares of the capital stock. |
| | 3. The company may, by by-laws, fix the number, title, and duties of its officers; their terms of office, the time and manner of their election, and the time for the annual meeting of their stockholders, and the monthly meetings of the board of directors. |
| | 4. The company may, by by-laws, make regulations concerning the subscription for or transfer of stock; the time required for payment thereof by the subscribers for stock; the amount to be called at any one time; and in case of |

failure of any stockholder to pay the amount subscribed by him at the time, and in the amounts thus called, a right of action shall exist in the company to sue said defaulting stockholders for same.

5. The company may, by by-laws, provide when stock may be withdrawn, and upon what terms: provided that at no time shall more than one-half of the funds in the treasury be subject to the demands of withdrawing stockholders, without the consent of the board of directors; fix the amount of fines to be paid by any defaulting stockholder, and fix the time when stock will be forfeited to the company by defaulting stockholders. ^{Withdrawal of stock.}

6. The board of directors, which may consist of five or more members, at the option of the corporation, to be elected either in person or by proxy, by a majority of the votes cast, each share representing one vote, shall keep a full and complete record of all their proceedings, and an annual statement of receipts and disbursements shall be copied on the minutes, subject at all times, to the inspection of any stockholder. The books of the corporation shall show the original or subsequent stockholders, their respective interests, the amount which has been paid and the shares subscribed; the transfer of stock, by and to whom made; also other transactions in which it is presumed a stockholder or creditor may have an interest. ^{Board of directors.}

7. The board of directors shall have power to appoint such subordinate officers and agents, in addition to president, vice-president, general manager, secretary, treasurer and attorney, and establish such branch offices or agencies as the business of the company may require, designate the name of the office, and fix the compensation of the officers. ^{Subordinate officers.}

8. The moneys accumulated in the loan fund shall be granted in loans to the members at least once each month, upon a premium bid by the applying member, upon either verbal or written bid. Each member whose bid is accepted shall be entitled, upon giving proper security, to receive a loan of fifty dollars per share, for each share held by them, under such conditions as the by-laws may provide. ^{Loans, to whom granted.}

9. It shall be lawful for such company to charge premiums for loans, which shall consist of a percentage charged on the amount loaned, in addition to interest, and shall be deemed to be a consideration paid by the borrower for the present use and possession of the future or ultimate value of his shares, and shall, together with interest and fines, be received by the corporation as a profit on the capital invested in the loan, and shall be distributed to the various shares of stock in good standing. ^{Premiums for loans.}

10. A borrowing member, for each share borrowed upon, shall, in addition to his dues and monthly premium, pay

monthly interest on his loan at the rate of six per centum per annum, until his shares reach the ultimate value of fifty dollars each, or the loan has been repaid; and when said ultimate value is reached, said shares and loan shall be declared cancelled and satisfied, and the balance, if any, due upon the shares shall be paid to the member.

Loans—how
secured.

11. For every loan made, a non-negotiable note, secured by first mortgage on real estate, shall be given, accompanied by a transfer and pledge of the shares of the borrower. The shares so pledged shall be held by the corporation as collateral security for the performance of the conditions of said note and mortgage. Said note and mortgage shall recite the number of shares pledged and the amount of money advanced thereon, and shall be conditioned for the payment on or before the last day in each month, the monthly dues on said shares and the interest and premium upon the loan, together with all fines on payments in arrears, until said shares reach the ultimate value of fifty dollars per share, or said loan is otherwise cancelled or discharged: provided that shares without other security may, in the discretion of the directors, be placed as security for loans to an amount not exceeding eighty per centum of their withdrawal value at date of making loan. If the borrower neglects to offer security satisfactory to the directors within the time prescribed by the by-laws, or offers security to which the title is not perfect, his right to the loan shall be forfeited, and he shall be charged with one month's interest and one month's premium, at the rate bid by him, together with all expenses, if any, incurred, and the money appropriated for such loan may be reloaned at the next or any subsequent meeting.

Loans—privi-
leges to pay.

12. A borrower may repay a loan at any time upon application to the corporation, whereupon, upon settlement of his account, he shall be charged with the full amount of the original loan, together with all monthly instalments, all interest, premium, and fines in arrears, and shall be given credit of the withdrawal value of his shares pledged, and transferred as security, and the balance to be received by the corporation in full satisfaction and discharge of said loan: provided that a borrower desiring to retain his membership and his shares, may, at his option, repay his loan in full without claiming credit for amount paid on shares; whereupon said shares shall be retransferred to him, and shall be free from any claim by the reason of said cancelled loan.

Shares in
arrears.

13. The shares of a stockholder six months in arrears shall, at the option of the board of directors, if the shareholder fails to pay the arrears within ten days after notice, be declared forfeited, the stock cancelled, and six months' dues and fines appropriated by said company, the balance, if any, shall be paid over to the stockholder. In

case of non-payment of instalments or interest by borrowing members for the period of six months, payment of principal and interest, without deducting the premium paid, or interest thereon, may be enforced by proceeding on their securities according to the terms of the contract under which the same are pledged.

14. The company shall have power to establish a savings department, in which small deposits may be made by individuals or corporations, upon which the company may pay interest; sell paid-up or prepaid stock, and borrow money on faith of the corporate property. Savings department.

15. The treasurer shall dispose of and secure the safe-keeping of all moneys, securities, and property of the corporation in the manner designated by the by-laws, and the treasurer and secretary shall give such security for the faithful performance of their respective duties as the by-laws may direct.

16. Any such corporation may purchase at any sale, public or private, any real estate upon which it may have a mortgage, judgment-lien, or other encumbrance, or in which it may have an interest; and may sell, convey, lease, or mortgage, at pleasure, the real estate so purchased, to any person or persons whatsoever. All real estate so acquired shall be sold within five years from the acquisition of the title thereto. May purchase property upon which it has a lien.

17. The persons first named in this act, or such of them as shall accept the provisions thereof, shall constitute the first board of directors of the said company, and shall continue in office until the first meeting of the shareholders thereof.

18. All taxes, dues, and demands due the state shall be paid in lawful money of the United States, and not in coupons.

19. This act shall be in force from its passage.

Commencem't.

CHAP. 78.—An ACT to amend the ninth section of an act entitled an act to amend and re-enact an act to amend the charter of the town of Warrenton, passed April 9, 1852, approved January 17, 1871.

Approved January 22, 1892.

1. Be it enacted by the general assembly of Virginia, That the ninth section of an act, entitled "an act to amend and re-enact an act to amend the charter of the town of Warrenton, passed April ninth, eighteen hundred and fifty-two," approved January seventeenth, eighteen hundred and seventy-one, be amended and re-enacted so as to read as follows:

§ 9. The council of said town of Warrenton, shall have power to lay off streets, walks, or alleys; alter, improve, and light the same, and have them kept in good order; to lay off public grounds, and provide all buildings proper for the town; to prescribe the time for holding markets and regulate the same; to prevent injury or annoyance from anything dangerous, offensive or unhealthy, and cause any nuisance to be abated; to regulate the keeping of gunpowder or other combustibles, and provide magazines for the same; to provide, in or near the town, water-works, and places for the interment of the dead; to prevent the pollution of the water, and injury to the water-works, for which purpose their jurisdiction shall extend to a mile above the same; to provide for the regular building of houses in the town; to make regulations for the purpose of guarding against danger from accidents by fire; and on the petition of the owners of not less than two-thirds of the ground included in any square, to prohibit the erection in such square of any building more than ten feet high, unless the outer walls thereof be made of brick and mortar, or stone and mortar, and provide for the removal of any building or addition erected contrary to such prohibition; to provide for the weighing and measuring of hay, coal, or any other article for sale, and regulate the transportation thereof through the streets; protect the property of the town and its inhabitants, and preserve peace and good order therein. For carrying into effect these and their other powers, they may make ordinances and by-laws, consistent with the laws of the state, and prescribe fines or other punishment for violation thereof, including imprisonment in the county jail of Fauquier county, for a term not exceeding thirty days, and for failure to pay any fine, to which end the authorities of said town shall have the right to use said jail for any purpose for which the use of a jail may be needed by them, under the acts of the council or of the state. From the judgment of any legally authorized officer of the town, imposing a fine on any offender against the laws of the commonwealth, or the ordinances of said town, no appeal shall be allowed, unless such fine, exclusive of costs, shall be more than ten dollars, or the punishment of imprisonment be added to said fine; but this provision is not to conflict with the right of such officer to commit the offender in default of the payment of any fines imposed as a means of enforcing the payment of the same, in accordance with the general laws of the commonwealth, or to be construed as giving an appeal therefrom. The said council shall have power to keep a town guard, appoint, or cause to be elected by the voters of said town, a sergeant, collector, and such other officers as they may deem necessary, remove them from office, define their powers, prescribe their duties and

sued, make and use a common seal, and alter the same at pleasure, and make and maintain such by-laws, rules and regulations for the government of said corporation and the conduct of its business as may be deemed necessary, not to conflict with the laws or the constitution of this state or of the United States.

§ 2. The capital stock of said company shall not be less Capital stock. than ten thousand dollars, to be divided into shares of one hundred dollars each, and the same may, from time to time, be increased by additional subscriptions or the issue and sale of shares, to such amount not exceeding two million five hundred thousand dollars, as the stockholders at any general or special meeting may authorize and prescribe. The said company may receive subscriptions to its capital stock or payment for its shares so issued, in money, land, or other property, at such prices for its shares of stock and upon such terms as shall be agreed upon or authorized by the board of directors, and said company may give a preference to a portion of its capital stock over the residue thereof, as to dividend and the payment thereof.

§ 3. The corporators herein above named, or any three Subscriptions to capital stock. of them, may receive subscriptions to the capital stock of said company, and when the minimum capital of ten thousand dollars shall have been subscribed, the said subscribers may organize said company by the election of When it may organize. five directors (of whom they shall elect one as president), to remain in office one year and until their successors are elected, unless sooner removed by the stockholders. After organization as aforesaid, the stockholders at any general meeting, may change the number of directors, and may provide for the proper government of the corporation, by such by-laws as they may deem fit and proper, as herein above authorized. The board of directors may appoint such subordinate agents and officers as they may deem necessary.

§ 4. The said company is hereby authorized to carry on Business to be carried on by company. the business of mining any of the ores of tin or iron, or any other metal, clays, sand, or other mineral which may be found on any property leased or owned by the company; of manufacturing any of the products or fabrics of manganese, iron, steel, kaolin, clay, sand, or other mineral or metal; and said company may conduct such business in the counties of Rockbridge, Botetourt, Amherst, or any of them, and in any other county of this and other states in which the said company may deem it proper to acquire property or establish works for that purpose; and for these purposes the said company shall have authority to buy, hold, sell, lease, or otherwise dispose of any real or personal estate deemed necessary to the proper prosecution of its business; and may, on any property so acquired, erect

CHAP. 81.—An ACT to allow Charles M. Shannon, late deputy treasurer of Smyth county, and B. F. Petree, late deputy treasurer of Bland county, further time to distrain for and collect certain tax tickets in their hands.

Approved January 22, 1892.

Whereas Charles M. Shannon, late deputy treasurer of Smyth county, has in his hands various uncollected tickets for taxes and levies, state and county; and whereas B. F. Petree, late deputy treasurer of Bland county, has in his hands various uncollected tickets for taxes and levies, state and county, none of which have been by either returned delinquent; therefore,

1. Be it enacted by the general assembly of Virginia, That authority is hereby given the said late deputy treasurers of Smyth and Bland counties, Charles M. Shannon and B. F. Petree, to collect the amounts due on said tickets; and to that end, the late deputy treasurers named in this bill shall have power of levy and distress given county treasurers by existing laws, and such laws amendatory thereof as may hereafter be enacted: provided that such power shall continue not longer than one year from the date of the passage of this act: and, provided further, that none of such tickets which might have been collected prior to January the fifteenth, eighteen hundred and eighty-seven, shall be collected under authority of this act.

Commencement.

2. This act shall be force from its passage.

CHAP. 82.—An ACT to revive, amend, and re-enact an act entitled an act to incorporate the Irish creek company, approved May 18, 1887.

Approved January 22, 1892.

1. Be it enacted by the general assembly of Virginia, That the act entitled "an act to incorporate the Irish creek company," passed by the general assembly, and approved May eighteenth, eighteen hundred and eighty-seven, be revived, amended and re-enacted so as to read as follows:

Corporators.

§ 1. P. S. Ross, Z. H. Rawlings, W. B. Brooks, junior, William A. Anderson, S. H. Letcher, A. T. Barclay, J. R. A. Hobson, Stevens M. Taylor, and A. D. Grant, and such persons as may be associated with them and their successors, are hereby created and constituted a body politic and corporate, by the name and style of the Irish creek company, and by such name shall have perpetual succession, may contract and be contracted with, sue and be

Name and style.

sued, make and use a common seal, and alter the same at pleasure, and make and maintain such by-laws, rules and regulations for the government of said corporation and the conduct of its business as may be deemed necessary, not to conflict with the laws or the constitution of this state or of the United States.

§ 2. The capital stock of said company shall not be less Capital stock. than ten thousand dollars, to be divided into shares of one hundred dollars each, and the same may, from time to time, be increased by additional subscriptions or the issue and sale of shares, to such amount not exceeding two million five hundred thousand dollars, as the stockholders at any general or special meeting may authorize and prescribe. The said company may receive subscriptions to its capital stock or payment for its shares so issued, in money, land, or other property, at such prices for its shares of stock and upon such terms as shall be agreed upon or authorized by the board of directors, and said company may give a preference to a portion of its capital stock over the residue thereof, as to dividend and the payment thereof.

§ 3. The corporators herein above named, or any three Subscriptions to capital stock. of them, may receive subscriptions to the capital stock of said company, and when the minimum capital of ten thousand dollars shall have been subscribed, the said subscribers may organize said company by the election of When it may organize. five directors (of whom they shall elect one as president), to remain in office one year and until their successors are elected, unless sooner removed by the stockholders. After organization as aforesaid, the stockholders at any general meeting, may change the number of directors, and may provide for the proper government of the corporation, by such by-laws as they may deem fit and proper, as herein above authorized. The board of directors may appoint such subordinate agents and officers as they may deem necessary.

§ 4. The said company is hereby authorized to carry on Business to be carried on by company. the business of mining any of the ores of tin or iron, or any other metal, clays, sand, or other mineral which may be found on any property leased or owned by the company; of manufacturing any of the products or fabrics of manganese, iron, steel, kaolin, clay, sand, or other mineral or metal; and said company may conduct such business in the counties of Rockbridge, Botetourt, Amherst, or any of them, and in any other county of this and other states in which the said company may deem it proper to acquire property or establish works for that purpose; and for these purposes the said company shall have authority to buy, hold, sell, lease, or otherwise dispose of any real or personal estate deemed necessary to the proper prosecution of its business; and may, on any property so acquired, erect

and maintain buildings, machinery, and structures needful for smelting, manufacturing and treating ores, metals, and minerals of whatever kind, or for the production of manufactured fabrics from wood, stone, metals, or other minerals; and may operate, lease, sell, or otherwise dispose of the same; and the said company may, in connection with the use or improvement of any of its properties, make, build, and operate any canals or water-ways or tramways or railways operated by horse or steam power, not exceeding twenty miles in length, and for this purpose, when necessary, may acquire, by contract or by condemnation, such land or other property or rights of way as may be necessary therefor, proceedings for such condemnation to be in accordance with chapter forty-six of the code of Virginia and any laws amendatory thereof. It shall be lawful for said company to lay out and establish a town upon such portions of its land as it may select or set apart for that purpose in connection with any of said company's works or mills, and to improve the same, and to establish and construct water-works for supplying the inhabitants of such town with water; and may acquire the land necessary for such water-works by purchase, contract or condemnation; proceedings for such condemnation to be in accordance with the provisions of said chapter forty-six of the code of Virginia.

§ 5. It shall be lawful for said company from time to time to sell its bonds and its shares of stock for such sums or prices and on such terms as the board of directors may deem expedient and proper in the prosecution of any of its works or business, and may secure the payment of the principal and interest of its bonds by mortgages or deeds of trust upon all or any portion of its property, rights and franchises, including its franchises to be a corporation; and it shall be lawful for said company to subscribe to and hold shares in the capital stock of any railroad company or other corporation, whenever the board of directors shall deem it to be to its interest to do so. Each stockholder in said company shall be entitled to one vote for each share held by him, and no stockholder shall be held individually liable for the debts or liabilities of the company in any larger or further sum than to such amount as may be due and unpaid severally upon the shares of stock purchased or subscribed for by him at the agreed price therefor. And it shall be lawful for any company or corporation, foreign or domestic, to subscribe for and hold and vote the shares of stock of said Irish creek company.

§ 6. The acceptance of this charter, and organization thereunder, shall be deemed to be a waiver by said company of any right to pay any taxes, or dues, or assessments, hereafter made from said company to the state of Virginia

in coupons of this state, and shall be taken as an agreement on the part of said company to pay all of said dues, taxes and assessments in lawful money of the United States.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 83.—An ACT for the relief of W. H. Eanes, of the city of Petersburg, Virginia.

Approved January 22, 1892.

Whereas in the month of September, eighteen hundred and ninety, a warrant was sworn out in the city of Petersburg, charging one Spratley Barker with embezzlement, which said warrant was placed in the hands of W. H. Eanes, chief of police of said city, for execution; Preamble.

And whereas the said Spratley Barker, having become a fugitive from justice, was afterwards, to-wit: in the month of January, eighteen hundred and ninety-one, arrested in the city of Raleigh, North Carolina, on the charge contained in said warrant;

And whereas, by reason of the consent of said Spratley Barker, he was brought under arrest by the said W. H. Eanes to the said city of Petersburg for trial without the formality of a requisition, and upon such trial was convicted;

And whereas the expense incurred by the said W. H. Eanes, in the premises, amounted to the sum of thirty dollars and sixty cents; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized and directed to draw his warrant upon the treasury in favor of the said W. H. Eanes, for the sum of thirty dollars and sixty cents, in full payment for the service and expense recited above, to be paid out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 84.—An ACT to amend and re-enact the charter of the town of Marion, Virginia.

Approved January 22, 1892.

1. Be it enacted by the general assembly of Virginia, That an act passed March fifteenth, eighteen hundred and forty-nine, entitled an act to extend the limits of and pro-

vide for electing trustees for the town of Marion, in the county of Smyth, investing them with certain corporate powers, and all acts amendatory thereof, and amendatory of any acts amendatory thereof, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the town of Marion, in the county of Smyth, as chartered by act of assembly, March fifteenth, eighteen hundred and forty-nine, entitled, "an act to extend the limits of and provide for electing trustees for the town of Marion, in the county of Smyth, investing them with certain corporate powers," and all acts amendatory thereof, and amendatory of any acts amendatory thereof, as then extended and as is hereinafter extended, shall continue to be a body politic in the name of the town of Marion, and as such shall have, exercise and enjoy all the rights, immunities and powers, and be subject to all the duties now incumbent on the said town as a body politic; shall have and exercise all the powers and be subject to all the provisions of the code of Virginia of eighteen hundred and eighty-seven, so far as the same relates to towns of less than five thousand inhabitants, except so far as may be herein otherwise provided.

Boundaries of
town.

§ 2. That the town of Marion be comprised in the following boundaries, to-wit: Beginning at a point on the eastern end of the front wall of Hull and Staley's dam; thence a straight line in a northeasterly direction to the eastern line of the land formerly owned by the Chilhowie iron company; thence with said eastern line of said Chilhowie iron company to the rock road; thence with the south side of said rock road to the Norfolk and Western railroad line; thence with said railroad line to a stake in the west side of the Prater crossing; thence northwardly with the west side of the Prater road to a stake on the west side of said road, one hundred and fifty yards north of Mrs. Mary Prater's dwelling; thence in a straight line to a white oak corner to Look and Lincoln, and V. S. Morgan's land; thence a straight line to the division line between Look and Lincoln and D. D. Hull, to a stake one hundred and twenty poles north of the river; thence with said division line to the centre of the river; thence a straight line to the north side of the railroad line fifty yards west of the private crossing of D. D. Hull, just west of his residence; thence in a southeast course to a white oak, corner of D. D. Hull and Wm. C. Pendleton's lands; thence eastwardly in a straight line to the southwest corner of S. D. Jones' lot; thence a straight line in a northeasterly direction crossing Staley's creek, to the southwestern corner of J. M. Jones' lot; thence with J. M. Jones' southern line to its intersection with the asylum land; thence with the line of the asylum land around to the western end of the

front wall of Hull and Staley's dam; thence across the dam to the beginning.

§ 3. The municipal authorities of said town shall consist of one mayor and seven councilmen, who shall be elected biennially by the qualified voters of said town. The mayor shall have all powers and privileges such office confers in the general law governing towns in the state of Virginia. The mayor and the councilmen shall constitute the council of said town, and all the corporate powers of said town shall be exercised by said council or under its authority, except when otherwise ordered. Municipal
authorities.

§ 4. That the said council shall hold an election biennially, on the fourth Thursday in May, at which said election all persons living within the then corporate limits of said town, who are, under the laws of this state, entitled to vote, may elect one mayor and seven councilmen, who are resident citizens and qualified voters in said town, and twenty-one years old, and qualified to hold office under the laws of this state, as officers of said town, whose term of office shall be for two years, or until their successors shall have been elected and qualified. The first election under this act shall be held on the fourth Thursday in May, eighteen hundred and ninety-two; but if from any cause, the biennial election herein provided shall not be held on the fourth Thursday in May, it shall be the duty of the council of said town to order an election as soon thereafter as may be practicable, after having given ten days' notice of the time and place of holding the same. In case any two or more persons voted for in such election for the office of mayor, shall receive the same number of votes cast, and a higher number than any other person voted for for said office, the judges of said election, who are hereby designated the commissioners of election of said town, shall, immediately after canvassing the vote, ascertain, by lot, who shall be declared elected to said office. And if two or more persons voted for at said election for councilmen shall have received an equal number of the votes cast, said commissioners shall determine, by lot, which of said persons shall be declared elected. Officers elected
by council.

§ 5. That the said council shall judge of the election, qualification and return of its own members. Whenever, from any cause, a vacancy shall occur in the office of mayor or councilman, the same shall be filled by the council at its next regular meeting. Election, quali-
fication and
return of
officers.

§ 6. That the said council shall be invested with and exercise, individually or collectively, all the powers and authority which can be exercised by justices of the peace under the charter, by-laws, and ordinances of said town and under the laws of the state for prosecuting and suppressing unlawful assemblies, disturbances, violent and disorderly conduct within the corporate limits of said Powers of
council.

town. They shall have power to enforce fines, not exceeding fifty dollars in amount, for violations of the peace as may be regulated by ordinances of said council, and may commit to the jail of the said county of Smyth till said fines are paid, or compel such person or persons so committed to work on the streets and public buildings for a term not exceeding sixty days; and to have exclusive jurisdiction in all cases arising under the by-laws and ordinances of said town, and to issue any and all proper process, whether mesne or final, which may be necessary to enforce their authority.

May have the
use of the
county jail.

§ 7. That for the purpose of carrying into effect the police regulations of said town, the said town shall be allowed the use of the county jail of Smyth county for the safe-keeping and confinement of all persons who shall be sentenced or committed to imprisonment under the ordinances of the said town.

Council to elect
certain officers.

§ 8. That the council of the said town shall have power, from time to time, to elect such officers as are not provided for by the constitution, and, if necessary, to appoint, through the mayor, a police sufficient to preserve order in said town, and to elect a recorder, treasurer and sergeant, and such other officers as may be necessary; to regulate the salaries of such officers, and to remove any of such officers and to appoint others, and to require from any officer a bond, with approved security, for the faithful performance of his duty; and that the sergeant for the said town shall have the same power, within the limits of said town, and for two miles around the same, on all matters arising within said town as a constable; perform the same duties, receive the fees, and be subject to the same penalties prescribed by law as to constables. In collecting the town taxes, the sergeant or treasurer may distrain and sell therefor in like manner as county treasurers, and shall have, in other respects, like power to enforce the collection thereof.

Removal of
officers.

Meetings of
council.

§ 9. That the mayor, or any two of said councilmen, shall have power to summon a meeting of said council, which meeting shall be composed of not less than four members, besides the mayor, or in his absence a mayor pro tempore, elected by said councilmen, who may be present for the transaction of business, each having one vote, except the mayor, who shall have no vote at any meeting except in case of a tie. The said councilmen shall require the recorder to keep a complete record of all their proceedings and accounts in suitable books, and deliver such to their successors in office; the same shall, at all times, be open to the inspection of persons qualified to vote.

President of
council.

§ 10. That the mayor, as chief magistrate of the corporation, shall preside over the said council, and shall take

care that the by-laws and ordinances of said town be faithfully executed; and shall be clothed with all the powers conferred upon justices of the peace in this commonwealth, to be exercised within the corporate limits of the said town of Marion; and he shall also exercise all the powers of a justice of the peace within the Marion magisterial district.

§ 11. That the said council shall also have power and authority to make all necessary provisions to prevent accidents by fire, and to supply the town with water for all necessary purposes, and to purchase hose, reels, fire-hooks, ladders, and other fixtures useful for preventing accidents by fire, and to organize fire companies. They shall also have power and authority to establish markets, and regulate the same, to graduate and pave, and in any other manner improve the streets, sidewalks and alleys of said town; to prevent and punish, by reasonable fines, the practice of firing guns or pistols, or in any manner setting fire to powder, of running, training or straining horses, and of all else detrimental to the peace and quiet of said town; to license and regulate shows and other public exhibitions, and the same to tax to such extent as they may deem reasonable and expedient; to prescribe rules for the orderly and regular building of houses and chimneys; to regulate blacksmith shops and all other shops considered likely to occasion accidents by fire, and the erection of stoves and stove-pipes; to regulate the erection of privies, hog-pens, stables and cow-sheds, and prescribe their locations; to regulate butcher's stalls and slaughter-houses; to remove and abate nuisances within said town, at the expense of those who may occasion them; to prohibit hogs, horses and goats and other animals from running at large within the limits of said town; to prevent the exhibition of stud-horses or jackasses in said town; and generally to pass all by-laws and ordinances not contrary to the laws and constitution of this state or of the United States, which the said council may think necessary and proper for carrying into effect the foregoing powers, or that may hereafter be vested in them, and for regulating the police, preserving the peace, health and good order and government of said town, and to amend or repeal the same at their pleasure, and to enforce the observance of such by-laws and ordinances, under penalties not exceeding fifty dollars for each offence, to be recovered with costs, in the name of said town, before the mayor of said town, and applied in aid of the taxes imposed upon said town.

Prevention of
fines, etc.

Markets.

Streets, side-
walks, etc.

Shows and
exhibitions.

Ordinances.

§ 12. That the council shall also have power and authority to make all necessary by-laws and ordinances to suppress riots or riotous conduct, cursing or swearing, using profane or obscene language, and to prevent drunkenness,

By-laws.

gambling and all other misdemeanors, and to enforce the observance of such by-laws and ordinances, under penalties not exceeding fifty dollars for each offence, to be recovered with costs in the name of said town, and applied in aid of the taxes imposed upon said town.

Taxes.

§ 13. That the council of said town shall have power and authority to assess, levy and collect annually a tax on real and personal property within said town; but the assessed value shall not be higher than the assessment made on said property for state purposes, and on such other subjects within said town as are, or may be taxed by the revenue laws of this state, and on dogs belonging to persons residing in said town, and for the privilege of carrying on any regular business in said town by persons who do not reside within the corporate limits of said town: provided, that the tax on real estate and personal property shall not exceed, in any one year, one dollar on every one hundred dollars value thereof, and that the poll-tax shall not exceed fifty cents on each male person in any one year.

May negotiate loans.

§ 14. That the council of said town shall also have power and authority to negotiate any loan or loans, for the purpose of buying necessary real estate, and for the erecting of public buildings, and for the general improvement of the said town, and the granting of rights of way on and over the streets and alleys of said town to railroad corporations, electric light companies, or electric car or horse car companies, and subscribing stock to any company or corporation, and shall also have authority to issue registered or coupon bonds for said loan or loans, or subscriptions, payable at not more than thirty years after date of said bonds, bearing interest at a rate not greater than six per centum per annum, payable annually.

Special election

§ 15. Before the provisions of the preceding section shall be operative, the said council shall give notice in the newspaper or newspapers published in the town, and shall cause to be posted up at not less than three of the most public places in said town, copies of this act, and shall cause an election to be held at such time as they deem proper: provided, that no election shall take place sooner than thirty days after giving notice and the posting of the copies of this act, as prescribed in this section. If at the election a majority of those voting in said corporation, and said majority includes two-thirds of the freeholders voting at said election, shall be in favor of the provisions of the act, then the town council shall be authorized to issue the bonds of said town for said improvements.

Sidewalks, etc.

§ 16. That the said council shall have power and authority whenever they deem it expedient to have sidewalks and gutters along any street or alley within said town, of such width as they may prescribe, properly paved or otherwise suitably improved and repaired, and altered whenever

they may think fit, one-half of the proper cost and expense of the same to be paid by the owner or occupants of the lands or lots along the front or side of which such footways, sidewalks or other improvements extend, and to levy and collect for that purpose a special tax on each of such lots or pieces of land proportioned to the number of feet of the same, fronting on such payment or other improvement, which special tax shall be collected by the sergeant of said town, as other taxes on real estate within said town, are herein directed to be collected. In all cases where a lessee or tenant shall pay the expense of any such pavement or improvement along the side or sides of the land or lot by him occupied, for which land or lot by contract with his lessor or landlord, he shall be bound to pay rent, the amount of any such expense paid by him, or collected from him, or made out of his property, shall be a good and valid set-off against so much of the rent due or accruing to his lessor or landlord.

§ 17. That all taxes, whether general or special, assessed upon any land or lot in said town under this act, are hereby declared to constitute a lien upon such land or lot, and if the town sergeant shall not have been able with due diligence to collect the said taxes within ninety days from said assessment, he shall, at the first meeting of the council thereafter, make return, upon oath, of the taxes so uncollected, and the lands and the lots whereon such uncollected taxes were levied; and thereupon the said council shall have the same remedy against the said delinquent lot or lands as the commonwealth now has in similar cases.

§ 18. That whenever anything for which a state license License tax. is required is to be done in said town, the council may require a town license therefor, and may impose a tax thereon for the use of said town. But no license to sell strong or spirituous liquors, wine, beer, ale or porter, or intoxicating drinks, or intoxicating bitters or mixtures thereof within said town, or within two miles of its boundary, shall be granted by any other person or persons having authority to grant licenses, unless the party applying therefor, shall produce to such person or persons a petition signed by two-thirds of the registered voters of said town, and the certificate of the council of said town of its unanimous consent to the granting of such license. The council may require from persons so licensed, a bond with sureties, payable to the said town, in such penalties and with such conditions as it may think proper, and may revoke such license at any time if the conditions of said bond be broken.

§ 19. That the town treasurer or sergeant, as the council Taxes to be collected by town sergeant. may direct, shall collect the taxes in the same manner as is now provided by law in relation to the collection of

state taxes by the county treasurers, and the time for payment shall expire on the thirtieth day of November of each year. All taxes not paid before the first day of December, shall have five per centum added to the amount thereof, and the collecting officer shall collect all fines, levies and licenses, and after thirty days from the time of receiving the assessor's books or the said taxes or tax tickets, may distrain and levy for said taxes, fines, levies and licenses (in like manner as the collector may for state taxes, fines, levies and license) and shall, in all respects, have the same power to enforce the payment and collection thereof.

Exempt from
taxes outside of
corporation.

§ 20. The said town, persons and property therein, shall be exempt from all road service, and taxes for the support of the poor, or for free school purposes outside of its corporate limits: provided the said town shall keep its streets and alleys in good order, and shall support its own poor and levy its own school tax.

§ 21. Be it further enacted, That the councilmen of the town of Marion shall have the power to close or extend, widen or narrow, lay out or graduate, pave and otherwise improve streets and public alleys in the town, and have them properly lighted and kept in good order, and they shall have, over any street or alley in said town, which has been or may be ceded to the town, like authority as over other streets or alleys. In the meantime, no order shall be made, and no injunction shall be awarded, by any court or judge to stay the proceedings of the said councilmen in doing the works authorized by this act, unless it be manifest that they, their officers, agents or servants, are transcending the authority given them by this act, and that interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages. The said councilmen shall not, however, have the authority to take or use for the purpose of extending, widening or laying out streets, any private property for said streets, or for any other public purpose, without making to the owner or owners thereof, just compensation for the same. But in all cases where the said councilmen cannot, by agreement, obtain title to the ground necessary for the purposes above described, it shall be lawful for the said councilmen to apply to and obtain from the circuit or county court of Smyth county for authority to condemn the same, which shall be applied for and proceeded with as provided by law.

New streets.

§ 22. Whenever any new streets shall be laid out, or when any street shall be widened, or graded, or any other public improvement whatsoever made, the said councilmen may determine what portion, if any, of the expenses thereof ought to be paid from the public treasury of the town, and what portion by owner of real estate benefited,

or they may order and direct that the whole expense be assessed upon the owner of the real estate benefited thereby. But no such public improvement shall be made to be defrayed, in whole or in part, by a local assessment, until first requested by a petition signed, at least by a majority of the owners of property to be assessed for such improvement, or unless at least three-fourths of all the councilmen shall concur in voting any improvement to be expedient, or in determining to make the same after allegations have been heard, in which case, no petition or request shall be necessary. The councilmen shall have the same power to collect such local assessments for improvements as are vested in them for the collection of taxes; and shall have authority to pass such by-laws and ordinances as may be necessary for the proper execution of the power vested in them by this and the preceding sections, the said by-laws and ordinances to be passed as other by-laws and ordinances are required to be passed.

§ 23. Be it further enacted, That all acts and parts of acts coming within the purview of this act shall be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 85.—An ACT to incorporate the city of Radford.

Approved January 22, 1892.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits prescribed and herein designated, as follows, viz.: Beginning at a point where Plum creek empties into New river; thence southwardly to intersection of Auburn avenue and Commerce avenue on lands of South Radford development company; thence passing west of dwelling of M. Gibson; thence due south to the southside of the old National turnpike, and with the southside of the same to a point opposite the western boundary line of the Radford West-End land company's property; thence with said boundary line to New river, and with New river to the beginning, be deemed and taken as the city of Radford, and the inhabitants of the city of Radford, for all purposes for which towns and cities are incorporated in this commonwealth, shall continue to be one body, politic in fact and in name, under the style and denomination of the city of Radford, and as such shall have, exercise, and enjoy all the rights, powers, and privileges, and be subject to all the duties and obligations now incumbent and pertaining to said city as a municipal corporation, it having been ascertained that

Boundaries
of the city.

there now exists over five thousand population within the said limits.

Corporation
court.

2. There shall be for the said corporation of Radford a court, which shall be called the corporation court of Radford, and shall be held by the judge thereof, with such powers and at such times as the constitution and laws of the state now in force for the government of corporation courts may provide. The judge of said court shall reside in said city, or within the jurisdiction of his said court: provided, however, that the said city of Radford shall pay to the county of Montgomery, in ten equal annual instalments, the first payment to be made on the first day of January, eighteen hundred and ninety-three, that proportion of

Amount to be
paid to the
county.

thousand dollars, which the value of the real estate taken in by reason of the extension of the corporate limits of said city under this act sustains to the value of the whole of the real estate so taken in and that of Montgomery county, as ascertained by the assessment of eighteen hundred and ninety-one, the amount to be determined by a committee appointed on behalf of the county and a like committee on behalf of the city.

CHAPTER II.

Mayor and
council.

1. The administration and government of said city shall be vested in one principal officer, to be styled the mayor; one board, to be called the council of the city of Radford; and in such other boards and officers as are hereinafter mentioned, or may be provided by the council.

Other officers.

2. The municipal officers of said city shall consist of a mayor, a treasurer, twelve councilmen, a clerk of the court of hustings, an attorney for the commonwealth, a sergeant, a commissioner of the revenue, one justice of the peace from each ward, and one constable for said city.

There shall be
two wards.

3. The city shall be divided into two wards, as follows, viz.: The territory east of Connelly's run shall be known as east ward, and the territory west of Connelly's run shall be known as west ward. Each ward shall be entitled to six councilmen, who shall be as follows: for the East ward, J. P. Kelly, E. F. Gill, G. W. Tyler, H. P. Briggs, D. V. Sturdevan, and G. T. Kearsley; for the West ward: W. I. Kenderdine, J. D. Moffitt, W. R. Whorton, J. H. Washington, H. H. Powers, and C. A. Beincampen, and who shall hold office until their successors shall be elected thereafter in the manner herein provided; and as justice for east ward, J. D. Peters, and for west ward, W. W. Boswell, and as constable for said city, R. T. Smith.

Councilmen
for the two
wards.

Justices of
peace.

Election of
municipal
officers.

4. The election of the municipal officers mentioned in the second section of this act shall be held on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May in every second year thereafter,

except the treasurer and the clerk of the hustings court shall be elected in the manner hereinafter provided. The treasurer shall be elected on the fourth Thursday in May, eighteen hundred and ninety-two, and every third year thereafter. The clerk of the court of hustings on the fourth Thursday in May, eighteen hundred and ninety-two, and every six years thereafter. Said elections shall be conducted under the provisions of the general election laws of the state. When two or more persons are to be elected to the same office, the several persons of the number required having the highest number of votes shall be declared elected. At the first general election in May, eighteen hundred and ninety-two, there shall be elected six councilmen, who shall hold their offices two years, and six who shall hold their offices one year; but the first council so elected under this act shall be elected by a popular vote, each ward being represented by an equal number of councilmen, and three councilmen in each ward so elected shall hold their office for one year, and three in each ward for two years.

Time of holding election.

Term of office.

5. The mayor and all other municipal officers of said city, before entering upon the duties of their respective office, shall be sworn in accordance with the laws of the state. If any person elected or appointed to any office in said city shall neglect to take such oath for thirty days after receiving notice of his election or appointment, or shall for the like space of time neglect to give such securities as may be required of him by the council, he shall be considered as having declined said office, and the same shall be declared vacant, and such vacancy shall be filled as prescribed by section five of this chapter. And the said municipal officers elected on the fourth Thursday in May, shall enter upon the discharge of the duties of their respective offices, on the first day of July next succeeding their election.

Qualification of officers.

When office declared vacant.

CHAPTER III.

6. The mayor shall be elected by the qualified voters of the city of Radford, for the term of two years; his salary shall be fixed by the city council, and he shall receive no other compensation or emoluments whatever, and his salary shall not be diminished during his term of office.

Mayor—how elected.

7. He shall, by virtue of his office, possess all the jurisdiction, and exercise all the power and authority in criminal cases of a justice of the peace of said city, in addition to the powers hereby given him by virtue of this act; but he shall receive no fees for his services as such justice of the peace, and he shall preside at all meetings of the council, and shall not have a vote except in case of a tie.

Jurisdiction and authority of mayor.

8. It shall be his duty to communicate to the city council annually, at the beginning of each fiscal year, or oftener

The mayor's annual message to council.

if he shall be required by said council, a general statement of the condition of the city in relation to its government, finances and improvements, with such recommendation as he may deem proper.

Investigation of the transactions of officers. 9. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine said officers and their subordinates on oath. He shall also have power to suspend or remove such officer for misconduct in office, or neglect of duty; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity be afforded him to be heard in his defence. On the removal or suspension of such an officer, the mayor shall report the same to the city council, at their next stated meeting, for their consideration; but in no case shall it be final until ratified by three-fourths of the whole council.

10. In case of the absence of, or inability of the mayor, the president of the council shall possess the same power, and discharge the municipal duties of the mayor during such absence or inability: provided, however, that the present mayor of the town of Radford, Geo. A. Sullivan, shall be the mayor of the city of Radford, until his successor is elected and qualified.

Vacancy in office of mayor. 11. In case a vacancy shall occur in the office of mayor, the president of the city council shall fill the vacancy for the unexpired term, and the vacancy thus caused in the city council shall be filled according to law.

CHAPTER IV.

Number of councilmen.

12. The council of the city shall be composed of twelve members. Each ward shall be represented by an equal number of councilmen qualified to hold office. They shall be elected by the popular vote of each ward, except the election of the first council as hereinbefore provided.

President of the council.

13. The city council shall elect annually one of its members to act as president, and when from any cause he shall be absent, the council shall elect a president pro tempore. The president shall have the power to call a meeting of the council whenever he deems it necessary, and in case of his absence, inability, or refusal, the council may be convened by the order in writing of any three members directed to the clerk of the council, and the president shall preside only in the absence of the mayor.

Meetings of council.

14. The city council shall by ordinance fix the time for their stated meetings, and no business shall be transacted at a special meeting but that for which it shall be called.

Rules, committees, etc.

15. The city council shall have authority to adopt such rules and appoint such officers, committees, or clerks as

they may deem proper for the regulation of their proceedings and for the convenience of business; to compel the attendance of absent members; to punish its members for disorderly behavior, and by a vote of three-fourths of the whole council to expel a member for malfeasance of or malfeasance in office. They shall keep a minute-book, in which their clerk shall note the proceedings of the council, and shall record said proceedings at large on the record-book, and keep the same properly indexed. The meetings of the council shall be open to the public, except when the public welfare shall require secrecy.

Record of proceedings.

16. A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be passed or resolution adopted having for its object the appropriation of money, except by the concurrence of at least eight members. No vote or question decided at a stated meeting shall be reconsidered at a special meeting, unless there be at least ten members present and seven of them concur. All contracts relating to city affairs shall be in writing, signed and executed in the name of the city, by the officer authorized by resolution or ordinance to make the same, and in cases not otherwise directed, shall be executed by the mayor. Every contract involving an appropriation of money, shall only be payable out of the fund provided for the purpose, and shall not be inapplicable of the appropriation properly applicable thereto, and no debt or contract shall be binding upon the city, unless authorized by law, or by ordinance, and an appropriation sufficient to pay the same be previously enacted and made by council: provided that persons claiming unauthorized debts or contracts may recover against the person illegally making the same.

A quorum.

Contracts relating to city affairs.

How contracts for city work paid.

17. The city council shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the city, and of all property, real and personal, belonging to said city, and make such ordinances and by-laws relating to the same as they shall deem proper, and they shall likewise have power to make such ordinances, orders, by-laws and regulations as they may deem necessary to carry out the following powers, which are hereby vested in them.

The council to control the fiscal and municipal affairs of the city.

First. To establish a market or markets in and for said city, and appoint proper officers therefor; prescribe the times and places for holding the same; provide suitable buildings and grounds therefor, and to enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling or regrating.

Markets, their location, etc.

Second. To erect and provide in or near said city, suitable work-houses, house of correction or reformation, and houses for reception and maintenance of the poor and destitute; and they shall possess and exercise authority

Work-houses, reformatories, etc.

Maintenance
of the poor.

over all persons within the limits of the city receiving or entitled to the benefit of the poor laws; appoint necessary officers and other person proper to be connected with the aforesaid institutions, and regulate pauperism within the limits of the city; and the council, through the agency they shall appoint for the direction and maintenance of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Public build-
ings.

Third. To erect and keep in order all public buildings, and acquire, purchase or provide for public buildings, parks, necessary or proper for said city; to erect within the city, a city prison, and such prison shall contain such apartments as shall be necessary for the safe-keeping and employment for persons confined therein.

Water and
light.

Fourth. To establish or enlarge works within or without the limits of the city for furnishing water and light or either to the inhabitants of the said city, to persons, firms, or other municipalities in the vicinity thereof; to contract and agree with the owners of any land for the use and purchase thereof, or have the same condemned according to law, for the location, extension, or any of the fixtures or appurtenances thereof, and shall have the power to protect from injury, by ordinance prescribing adequate penalties, the said works, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of said city.

Improvement
of streets, side-
walks, etc.

Fifth. To close or extend, widen or narrow, lay out, graduate, curb, and pave, and otherwise improve the streets, sidewalks and public alleys in said city, and have them kept in good order and properly lighted, and over any street in the city which has been, or may be ceded or conveyed to the city by proper deed, they shall have like power and authority as over other streets and alleys; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over or under, or in any street, sidewalk, or alley in said city, and may permit shade trees to be planted along said streets; but no company shall occupy with its works, or any appurtenances thereof, the streets, sidewalks, or alleys of the city without the consent of the council duly entered upon its record. In the meantime no order shall be made, and no injunction shall be awarded, by any court or judge to stay the proceedings of the city in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them by this act, and that interposition of the court is necessary to prevent that cannot be adequately compensated in damages.

Shade trees.

Sixth. To prevent the cumbering of streets, sidewalks, alleys, lanes or bridges in the city in any manner whatever.

Seventh. To determine and designate the route and grade of any railroad, to be laid in said city, and to restrain and regulate the rate of speed of locomotives engines and cars upon the railroads, within the said city.

To determine route of railroads, etc.

Eighth. To make provision for and regulate the weighing of hay, fodder, oats, shucks, or other long forage. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

For weighing hay and other things.

Ninth. To require every merchant, retailer, trader, and dealer of merchandise or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection, and they may impose penalties for any violation of any such ordinance.

Sealer of weights and measures.

Tenth. To secure the inhabitants from contagious, infectious, or other dangerous diseases, and to prevent, by appropriate legal remedy, all measures affecting or likely to affect the city or the inhabitants thereof, when the same may originate outside the limits of said city; to establish, erect, and regulate hospitals; to provide for and enforce the removal of patients to said hospitals; to appoint and organize a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties.

Contagious and infectious diseases.

Hospitals and board of health.

Eleventh. To require and compel the abatement and removal of all nuisances within said city, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to prevent and regulate slaughter-houses, soap and candle factories, within said city, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment therein, and to regulate the transportation of coal and other articles through the streets of said city.

Nuisances.

Slaughter houses, etc.

Twelfth. If any ground in the said city shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof, shall permit any offensive or unwholesome substance to remain or accumulate therein, the council may cause such grounds to be filled, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expenses of so doing from the said owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the city authorities, or their agents, in which case the city shall pay the expense of abating the same), by distress and sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected: provided that reasonable notice shall first be given to said owners or their agents. In case of non-resident owners who have no agents in said city, such notice may be given by publi-

cation for not less than four weeks in any newspaper in said city: provided, also, that should the expense of abating such nuisance exceed the sum of ten dollars, the owner of the premises shall have the right of appeal to the corporation court.

Buildings for
the storage of
gunpowder, etc.

Thirteenth. To direct the location of all buildings for storing gunpowder and other combustible substances, and to regulate the sale and use of gunpowder, fire-crackers, or fire-works, manufactured or prepared therefrom, kerosine oil, nitro-glycerine, camphene, burning-fluid, or other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of lights and candles in barns, stables, and other buildings, and to restrain the making of bonfires in streets and yards.

To prevent hogs
and dogs from
running at
large.

Fourteenth. To prevent hogs, dogs, and other animals from running at large in said city, and may subject the same to such confiscations, regulations, and taxes as they may deem proper.

Fast riding and
driving, penal-
ty therefor.

Fifteenth. To prevent the riding or driving of horses or animals at an improper speed, throwing stones, or the engaging in any employment of sport on the streets, sidewalks, or public alleys, dangerous or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses or other animals in such city.

Drunkards and
vagrants.

Sixteenth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said city, and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

To prevent vice
and immorality

The peace and
good order of
the city.

Illicit sale of
liquors.

Seventeenth. To prevent, forbid, and punish the selling or giving liquors and intoxicating drinks to be drunk in any public place not duly licensed, and the selling or giving to be drunk any intoxicating liquors to any child or minor without the consent in writing of his or her parents or guardians; and for any violation of any such ordinance, may impose fines in addition to those prescribed by the laws of the state.

Vagrants.

Eighteenth. To prevent the coming into the city of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the city.

- 19. Any member of said council being voluntarily absent from its meetings, consecutively for three months, the seat shall be deemed vacant, and the unexpired term shall be filled according to law.

20. The city council is empowered to acquire by purchase or otherwise such lands as may be necessary for the burial of the dead.

21. The said council shall also have power to prescribe and enforce all needful rules and regulations, not inconsistent with the laws of the state, for the use, protection, preservation and ornamentation of the cemetery; to set aside, in their discretion, by metes and bounds, and a portion thereof, for the interment of strangers and the indigent poor, to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease, and to prescribe what class and condition. The money from such sale or lease of burial lots, shall be invested, used and employed for the use, protection, preservation, and ornamentation of said cemetery. The cemetery, when established and inclosed with the property included in it, shall be exempt from all state, county, and municipal taxation; and the council shall hold all property, franchises, and choses in action of whatsoever nature, heretofore acquired by the town of Radford.

Certain rules
and regulations
Cemetery.

22. Where, by the provisions of this act, the council have authority to pass ordinances on any subject, they may prescribe any penalty not exceeding five hundred dollars for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the jail of said city for a term not exceeding ninety days, which penalties may be prosecuted and recovered with costs in the name of the city of Radford, or shall compel them to work on the streets or other public improvements in the said city: provided that when the penalty imposed is a fine of ten dollars or over, and imprisonment, or imprisonment alone, the accused shall have the right of appeal to the corporation court.

Ordinances,
and penalties
for breaking
same.

Fines unpaid
to be worked
out on streets.

23. The city council shall not take or use any private property for streets or other public purposes, without making to the owner thereof just compensation for the same; but in case where the council cannot by agreement obtain the title to the ground for such purposes, it shall be lawful for said council to apply to and obtain from the circuit or county court of Montgomery county, in which the land is situated, or the judge of the court of hustings for said city, if the land lies within said city, for authority to condemn the same, which shall be applied for and proceeded with according to law.

Condemnation
of private
property.

24. In every case where a street in said city has been or shall be encroached upon by any fence, building, or otherwise, the council may require the owner (if known, or if unknown, the occupant of the premises encroaching) to remove the same, and if such removal be not made within the time prescribed by the council, they may impose a penalty of five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner all reasonable

Encroachments
on streets.

charges therefor, with costs, by the same process that they are hereinafter empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the said city.

25. Whenever any street, alley, or lane in said city shall have been open to and used as such by the public for the period of five years, the same shall hereby become a street, alley, or lane for public purposes, and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, and lanes laid out by them; and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said city, by a plan or plat of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designed for private use; but upon a petition of a majority of the persons interested therein, the council shall have power to open the same for the use of the public.

26. Whenever any new street shall be laid out, a street graded, macadamized, curbed, or paved, a culvert built, or any other public improvement whatsoever made, the council shall determine what portion, if any, of the expense thereof, shall be paid out of the city treasury, chargeable to the ward within which such improvement is made, and what portion by the owners of real estate benefited thereby; but no such public improvement shall be made, to be defrayed in whole or in part by a local assessment, until first requested by a petition, signed by at least a majority in value of the owners of according to the last assessment for taxation of the property to be assessed for such improvements, or unless the entire council, including the standing committee of the proper ward, shall concur in voting any improvements to be expedient, or in determining the same after allegations have been heard, in which case no petition or request shall be necessary. The council shall have the same power to collect such local assessments for improvements as are hereinafter vested in them for the collection of taxes.

Pay of officers.
Officers.

27. The city council shall grant and pay to all city officers, clerks and assistants, elected and appointed in pursuance of this act, such salaries or compensation as the said council may, from time to time, deem just and proper, or shall be fixed by this act.

28. If any person, having been an officer of said city, shall not, within ten days after he shall have vacated or been removed from office, and upon notification and request of the city clerk, or within such time thereafter as the city council shall allow, deliver over to his successor in office, all property, books and papers belonging

to the city or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the city council, or any superior officer of said city, shall be deemed the property of said city, and appertaining to said officer, and the chief officer thereof shall be responsible therefor.

CHAPTER V.

29. There shall be one city treasurer, one clerk of the court of hustings, one attorney for the commonwealth, one sergeant, one commissioner of the revenue, one justice of the peace for each ward, and one constable for the city. Officers.

30. The city council may appoint, in addition to those hereinbefore provided for, such officers and clerks as they may deem proper and necessary, and define their powers, and prescribe their duties, and fix their compensation, and may take from any officer so appointed a bond, with sureties to be approved by the council, in such penalty as they may deem proper, payable to the city by its corporate name, with condition for the faithful discharge of said duties. All officers appointed by the council may be removed from office at its pleasure. In case of any vacancies occurring in any municipal office, where it is not herein otherwise provided, the city council shall elect a qualified person to fill such office during the unexpired term. Additional officers, etc.
Their compensation.

31. There shall be elected by the qualified voters of the city of Radford, on the fourth Thursday in May, eighteen hundred and ninety-two, and in every third year thereafter, one city treasurer, who shall hold his office for the term of three years, and until his successor be elected and qualified, unless sooner removed from office. He shall qualify before the council and give bond with surety to be approved by it, in a penalty to be determined by the council, but not less than twenty thousand dollars in any year. City treasurer, when elected.

32. The said treasurer shall receive all money belonging to the city. He shall keep his books as treasurer in such manner as the city council may prescribe; and such books and accounts show all receipts and expenditures of the city, be kept in his official name and character, separate and distinct from his individual books, always subject to the inspection of the mayor and any member of the city council, or any committee thereof. The treasurer, at the expiration of his term of office, shall deliver all money, books, and papers in his hands, belonging to said office, to his successors in office. Duties of treasurer.

Duties of treasurer continued.

33. No money shall be paid out by the treasury except upon appropriations made by law, or on warrant of the clerk of the council, countersigned by the president of the council in pursuance thereof; and he shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto.

City taxes, how collected.

34. All moneys to be paid into the treasury of the city, except taxes and such other assessments as the city council may so ordain, shall be paid by the person liable to pay the same, or his agent, to the treasurer in the following manner: A warrant shall first be obtained from the clerk of the council directing the treasurer to receive the sum paid, specifying on what account the payment is to be made. Upon the payment of the money to the treasurer he shall give a receipt for the same, which shall be carried to the clerk, and his receipt therefor shall be the acquittance of the party making the payment.

Treasurer's report.

35. The treasurer shall also report to the city council at the end of each fiscal year, and oftener, if required, a full and detailed account of all receipts and expenditures during the preceding fiscal year and the state of the treasury. He shall also keep a register of all warrants, their date, amount, number, and fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined at the time of payment, and all such warrants shall be examined at the time of making such report to the city council by a committee thereof, who shall examine and compare the same with the books of the clerk, and report discrepancies, if any, to the council.

36. The treasurer shall collect all taxes and assessments which may be levied by said city, and perform such other duties as may herein be described or ordained by the city council.

Money under special assessments.

37. All moneys received on any special assessments shall be held by the treasurer as a special fund, to be applied to the payment for which the assessment was made, and said money shall be used for no other purpose whatsoever.

Funds and valuables of city, where kept.

38. The treasurer shall be required to keep all moneys in his hands belonging to the city in such place or places of deposit as the city council may by ordinance provide, order, establish, or direct; shall verify his cash account at least once every three months to the satisfaction of a committee of council to be appointed for that purpose; such moneys when received by him shall forthwith be deposited to the credit of the proper account in the proper place or places of deposit, shall be kept separate and distinct from his own moneys, on separate accounts and books, and none shall be withdrawn unless the same shall have been previously appropriated by council to the purpose for which it is drawn. And he is hereby expressly

Money of city, how paid out by treasurer.

prohibited from using, directly or indirectly, the corporation money or warrants in his custody or keeping, for his own use and benefit, or that of any person or persons whatsoever, or to receive, directly or indirectly, for his own use, any benefit, interest, or profit thereof; and any violation of this provision shall subject him to immediate removal from office. In case of his removal, the city council shall elect a qualified person to fill said office until the next general election which may be held in the city, when the qualified voters of said city shall, as in other cases, fill such vacancy by an election of a successor, who shall hold his office for the remainder, if any, of the unexpired term of the officer removed. The treasurer shall receive such compensation as is provided by law in case of the county treasurer: provided, he shall not receive an amount greater than three thousand dollars per annum for his service in collecting both state and city taxes. No person shall be allowed to qualify a second time as treasurer unless and until he shall have satisfactorily settled his account as treasurer for the preceding term; and if such settlement be not made on or before the regular time for his entering upon the duties of his office for another term, the office shall be considered vacant, and the vacancy shall be filled as hereinbefore provided.

39. There shall be one city clerk appointed by the city council, who shall hold his office for two years, and until his successor shall be appointed and qualified, unless sooner removed from office by the city council. City clerk.

40. The said clerk shall attend the meetings of the city council, and keep a record of the proceedings; he shall have the custody of the corporate seal. He shall keep all papers that, by the provisions of this act or the direction of the city council, are required to be filed or kept by him. It shall also be his duty, immediately after the close of each session of the city council, to make and present to the mayor a transcript of every ordinance, resolution or order, concerning any public improvement of for the payment of money, and every ordinance, resolution, order, and act of legislative character, passed by the city council at such session; he shall in like manner transmit to the treasurer a transcript of all ordinances, resolutions, or orders, appropriating money or authorizing the payment of money, the issue of bonds or notes. He shall in like manner give notice to all parties presenting communications or petitions to the city council of the final action of the council on such communication or petition. He shall publish such reports and ordinances as the city council are required by this act to publish, and such other reports and ordinances as they may direct, and shall in general perform such other acts and duties as the city council may, from time to time, require of him. Duties of clerk.

Clerk, when
elected.

41. There shall be elected by the qualified voters of the city, on the fourth Thursday in May, in every sixth year after the year eighteen hundred and ninety-two, one clerk of the court of hustings for the city of Radford, who shall serve for the period of six years, and until his successor be elected and qualified. He shall receive in compensation for his services, the fees and emoluments allowed by law to clerks, and such allowances as the city council may from time to time deem just and proper.

Common-
wealth's attor-
ney, when
elected.

42. There shall be elected by the qualified voters of the city, on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May, in every second year thereafter, one commonwealth's attorney, who shall prosecute in all cases in the hustings court of the city of Radford. He shall hold his office for a term of two years, and until his successor be elected and qualify, unless sooner removed, and shall receive such compensation for his services as may be prescribed by law, and such salary as may be fixed by the city council.

Commissioner
of revenue.

43. There shall be elected by the qualified voters of the city of Radford, on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May in every third year thereafter, one commissioner of revenue, who shall hold his office for the period of two years, and until his successor shall be elected and qualified, unless sooner removed from office. He shall give bond, with sureties, in such amount as the council may determine, said bond to be approved by the city council, entered on their record, and filed in the office of the city clerk. In case a vacancy shall occur in the office of commissioner of the revenue, the city council shall elect a qualified person to fill said office until the next general election which may be held in the city, when the vacancy shall be filled for the unexpired term.

Duties of com-
missioner.

44. The said commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying the city taxes that may be ordered by the city council. He shall keep his office in some convenient place in said city, and shall keep therein such books, schedules and records, and in such manner as the mayor and city council may direct and prescribe, which books, records and other papers shall be subject to the inspection and examination of the mayor, the members of the city council, or any committee thereof, and of the collector of city taxes.

Duties of com-
missioner of
revenue, con-
tinued.

45. To aid the commissioner of the revenue in his duties, the clerk of the court of hustings for the city of Radford, as required, shall deliver to him such lists as are mentioned in the section of the chapter of the code of Virginia of eighteen hundred and eighty-seven, as far as may relate to lands in said city. He shall re-

ceive for his services the fees allowed by law, and such other compensation as the city council may from time to time direct. The said commissioner of the revenue in ascertaining the value of the real property taxable in said city, shall fix the same at the actual cash value of said property at the time of assessment, irrespective of the value assessed for the purposes of state taxation, until the next general assessment, and the first assessment not later than July first, eighteen hundred and ninety-two: provided, however, that a board, consisting of the commissioner of the revenue and two freeholders, shall be appointed by the corporation court, whose duty it shall be to assess the real estate of the city.

46. There shall be elected by the qualified voters of the city of Radford, on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May in every second year thereafter, one city sergeant, who shall attend the terms of the court of hustings for said city and act the officer thereof, and shall perform such other duties as may be prescribed and ordained by the city council, and shall receive such compensation therefor as the council shall determine. He shall be collector of delinquent city taxes placed in his hands by the city treasurer, and for that purpose shall have all the powers and authority, and be subject to the same liability and penalties as are prescribed for county treasurers in the collection of state taxes and county levies, and may be proceeded against in the same manner, so far as applicable and not inconsistent with the provisions of this act. He shall pay over to the treasurer (or in the treasury of the city, as may be prescribed by ordinance) weekly or oftener, if he thinks proper, all moneys which come into his hands for taxes, or otherwise, belonging to the said city. He shall report to the council in writing at each stated meeting the amount of all moneys collected by him for the city, from whom collected, and when collected, and paid over as herein directed. Before entering upon the duties of his office as collector of the delinquent taxes of the city, he shall enter into bond, with sureties, to be approved by the council, in such sum as the council may direct; said bond to be payable to the city of Radford, and conditioned for the faithful discharge of the duties of said office, and shall be entered on the records of the council, and the original shall be filed in the office of the clerk of the council.

City sergeant,
his election,
compensation
and duties.

47. The sergeant may, with the approval of the court of hustings for the city, appoint a deputy or deputies, who may be removed from office by the said sergeant, by the mayor, or by the council. During the continuance in office of said sergeant, his deputy or deputies may dis-

Deputy ser-
geant, how
appointed.

charge any of the duties of the office of sergeant, but the sergeant and his sureties shall be liable therefor.

City constable,
his duties and
compensation.

48. There shall be elected by the qualified voters of the city of Radford, on the fourth Thursday in May next, and on the fourth Thursday in May in every second year thereafter, one constable for said city, who shall hold his office for the term of two years, and until his successor be appointed and qualified, unless sooner removed from office. Said constable shall keep his office in such convenient place in the city as may be designated by the city council, and shall receive such compensation for his services as is allowed by law. He shall, in all civil cases, have the same powers and duties, and be subject to the same penalties, as are prescribed by law for other constables, and shall perform such duties as the city council may ordain.

Justices of the
peace.

49. There shall be elected by the qualified voters of such ward, on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May in every second year thereafter, one justice of the peace for each ward of said city, who shall be residents of their respective wards, and shall hold office for the term of two years, and until their successors be elected and qualified, unless sooner removed from office. The said justices of the peace shall be conservators of the peace within the limits of the corporation of Radford, and shall have the same power within said limits, and receive for their services, such fees as are provided by law in respect to justices of the peace in counties of this state, in their respective counties: provided that said justices shall not have jurisdiction over violations of ordinances of the city of Radford passed by its council.

CHAPTER VI.

May contract
loans.

50. For the execution of its powers and duties the city council may, in the name of and for the use of the city, contract loans or cause to be issued certificates of debt or bonds: provided no such certificate of debt or bonds shall be issued except by a two-thirds vote of the council, endorsed by a majority of the freehold voters of each ward voting on the question, and by the standing committee of each ward; but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four years; provided further, that said council shall not contract said loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement, or other purpose, without being first authorized so to do by three-fourths of the freehold voters of each ward voting on the question; provided further, that in no case

Conditions
upon which
loans are con-
tracted.

shall the aggregate debt of the city of either ward at any one time, exceed fifteen per centum of the assessed value of the taxable property, real and personal, within its limits; provided further, that the council shall determine, whenever a loan is deemed necessary for either ward, for the benefit of said ward, the amount of loan that the fifteen per cent. limit will justify, as determined by the assessed valuation of the taxable property of said ward; and when so determined, the council may issue bonds, or certificates of debt, in the name of the city, for said amount so determined; and provided further, that the said council shall not endorse the bonds of any company whatsoever without the same authority. All contracts for the erection of public improvements within the jurisdiction of the city council shall be let to the lowest responsible bidder, and notice shall be given at least thirty days before the work is finally let, by advertisement in one or more newspapers published in the city; and the party to whom said contract shall be let, shall give such bonds as the council and the standing committee of the proper ward may require and approve; but in no event shall any contract be let to any member of the city council, nor shall any member have any interest in such contract.

51. Whenever hereafter there shall be contracted by the council any debt not payable within one year thereafter, there shall be set apart annually, for thirty-four years, or until the debt is paid, a sum not less than one per centum of the amount of any debt, in addition to the annual interest agreed to be paid thereon, which sum shall be applied and invested towards the payments of such debts.

Sum to be set aside to pay the debts of the city.

52. For the execution of its powers and duties, the city council may raise taxes annually by assessments in said city, on all subjects taxable by the state, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient (in accordance with the laws of this state and the United States): provided that no tax upon real and personal property in said town shall exceed one dollar and twenty-five cents upon the one hundred dollars' assessed value thereof: and provided, also, that no corporation tax shall be levied upon the machinery, implements, money, and capital of any manufacturing establishment actually in use for manufacturing purposes, within the said city for fifteen years from the first of January, eighteen hundred and ninety-two, nor upon property used for public purposes or public charities.

Taxes.

Manufacturing establishments exempt from taxation.

53. The inhabitants of, and the owners of, land lying within the territory west of Connelly's run shall not be liable on their real and personal property within said territory for any part of the present debt of the town of Radford, nor for the interest thereon; nor shall any tax be

Taxes for improvements.

levied therefor; nor shall the inhabitants of and the owners of land lying within either of the wards hereby created be liable upon their real and personal property within such ward for any tax or assessment made by councils relating to the opening, grading, paving, macadamizing, curbing, or improvement of the highways, erection or maintenance of bridges, schools, or other buildings or improvements intended for public use or purpose within the other ward.

Assessments.

54. No assessment made by councils shall be valid, unless the resolution or ordinance authorizing the same shall show the objects thereof, how much is raised for said object, respectively, and the rates thereof, and shall direct how such amounts when collected shall be applied.

55. All taxes required for the purpose of paying the salaries of the municipal officers and other current expenses of maintaining the municipal organization, such as printing, stationery, and other office expenses and supplies, or the expenses for salaries of policeman and firemen, and all other expenses of maintaining the police and fire services, including fuel, apparatus, rent, and the expense of maintaining the hustings court, and repairs, shall be assessed, levied, or collected from either ward, and applied generally without regard to the amount thereof; but all taxes or assessments for the purpose of opening, grading, paving, macadamizing, curbing, or improving streets or other highways, erecting or maintaining bridges, schools, or buildings, or other permanent improvements intended for public use or purposes, shall be assessed, levied, and collected only upon the persons and property within the ward where such expenditures are to be made, and shall only be assessed, levied, and collected on the recommendation or report of the standing committee of such ward to councils to that effect; and the city collector shall keep separate accounts of such taxes collected in each ward, and, after deducting his fees, shall pay the same over to the treasurer of the city, to be set and kept apart as special funds, to be applied to the special purposes within the particular ward where such taxes were assessed, levied, and collected: provided that the property in one ward shall not be liable for the sinking fund herein provided for, for the other ward.

Standing committees

56. There shall be at all times two standing committees: one composed of four of the members for the east ward, and the other composed of four of the members for the west ward; and each committee shall have the power and duty of considering and acting upon all matters within its respective ward relating to the opening, grading, paving, macadamizing, curbing, or improving streets or highways, erecting or maintaining bridges, schools, or other buildings, or improvements intended for public use or purposes within such ward, and other matters involving

the special liability of such ward for assessment or taxes; and no liability shall be authorized or incurred by councils on account of the purposes for such ward is alone taxable; and no tax to provide money for the said purposes shall be imposed by councils, assessed, levied, or collected until the said committee shall have recommended to councils to impose, authorize, or incur the said liability, or to assess, levy, and collect the said taxes, and shall have fixed the rate thereof.

57. The city council may levy a tax on licenses to agents of insurance companies, whose principal office is not located in said city; to auctioneers; to public theatrical or other performances or shows; to keepers of billiard tables and ten-pin alleys; to hawkers and peddlers; to agents for the renting of real estate; to commission merchants and any other business, whether a license may be required therefor by the state or not; and to lawyers and doctors for the privilege of practicing in the corporation; the amount of the license in case of lawyers and doctors is not to exceed that imposed by the state. For water or light supplied by the city from its works council shall fix the rates thereof, the time when such rates shall be paid, and the penalties for the non-payment thereof. License tax.

58. Any payment of taxes made by the tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent.

59. The council may grant or refuse license to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in the city for hire, and may require the owners or keepers of wagons, drays, and carts using them in the city to take out a license therefor, and may assess and require taxes to be paid thereon and subject the same to such regulations as they may deem proper, and may prescribe their fees and compensation. May grant or refuse license.

60. All goods and chattels wheresoever found may be distrained and sold for taxes assessed and due thereon, and no deed of trust nor mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed. Sale of goods for taxation.

61. There shall be a lien on real estate for the city taxes as assessed thereon from the commencement of the year from which they were assessed. The council may require real estate in the city delinquent for the non-payment of taxes to be sold for said taxes, with interest thereon at the rate of ten per centum per annum, and such per centum as the council may prescribe for charges. Such real estate shall be sold, and may be redeemed in the manner provided by law.

62. The city council may organize and maintain a fire department for the city and appoint an engineer, assist-

ants, and other officers, with any or all the powers which have been or may be vested by law in such officers; and they may make rules and regulations for the government of the officers and men of said department; may prescribe their respective duties in case of fire or alarms of fire; may fix their pay, and may impose reasonable fines for the breach of such regulations, and may make such ordinances as they may deem proper to extinguish and prevent fires, to prevent property from being stolen, and to require citizens to render assistance to the fire department in case of need.

Wooden build-
ings.

63. For the purpose of guarding against the calamities of fire, the city council may, from time to time, designate such portions and parts of the city as they may deem proper, within which buildings of wood may be erected. They may prohibit the erection of wooden buildings in any portion of the city without their permission, and shall, upon the petition of the owner or owners of at least one-half of the ground included in any square of the city, prohibit their erection on said square of any buildings, or addition to any buildings, unless the outer walls thereof be made of brick and mortar, or stone and mortar, and may provide for the removal of any such building or addition which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; and if any such building shall have been commenced before said petition can be acted on by the council, or if any building in the process of erection appears clearly to be unsafe, the council may cause such building to be taken down, after reasonable notice to the owner.

Irregular elec-
tions, how held.

64. The said council shall, by ordinance, provide for any irregular election not herein provided for, and appoint the necessary officers for conducting the same.

Exempt from
assessments
made by the
county.

65. The city of Radford and its inhabitants shall be exempt from old assessments for levies in the way of taxes imposed by the authorities of Montgomery county for any purpose whatever, except upon property in said county, owned by the inhabitants of said city, nor shall such inhabitants be liable to serve upon juries in said county.

Present ordi-
nances.

66. All ordinances now in force in the town of Radford, not inconsistent with this act, the laws of this state, and of the United States, shall be and remain in force until altered, amended, or repealed by said council.

67. All acts or parts of acts in conflict with this act are hereby repealed.

Commencem't.

68. This act shall be in force from its passage.

CHAP. 86.—An ACT to provide for the better working and keeping in repair of the county roads in the county of Norfolk.

Approved January 26, 1892.

1. Be it enacted by the general assembly of Virginia, That the county court of Norfolk county, shall, at the July term of said court, appoint one road commissioner for each magisterial district in said county, who shall be a resident and voter of said district. That the court, at the time of appointment, shall designate two of said commissioners whose term of office shall expire at the end of one year, and two at the end of two years, and two at the end of three years, from July first, next succeeding their appointment. Annually thereafter, at the May term, the court shall make appointments to fill the vacancies which will occur in the following July, and such appointees shall hold office for three years, unless removed for cause after due notice: provided no person shall be appointed a road commissioner except upon the recommendation of not less than fifty freeholders of the district.

Road commissioners to be appointed.

2. The commissioners shall constitute a board of road commissioners, and shall have control of the county roads. They shall qualify as other district officers are required by law to qualify, each giving bond in the penalty of not less than five hundred dollars.

Board of road commissioners to be formed.

3. The board of commissioners shall meet at the courthouse on the second Monday of January, April, July and October of each year, and shall hold such special meetings as may be deemed necessary for the public service. And it shall be the duty of the chairman to call such a special meeting when requested in writing to do so by two commissioners, by the judge of the county court, or by ten tax-payers.

Meetings of board.

4. At the first meeting of the board, and annually thereafter at the July meeting, it shall organize by the election of a chairman and clerk. The clerk may or may not be a member of the board.

Shall elect chairman.

5. The clerk shall keep, in a well bound volume, a complete and accurate record of the proceedings of the board, of all money placed to the credit of the board, of all bills allowed, and warrants issued. He shall keep a record of all roads and sections, with the names of the overseers or contractors thereof; also of all contracts for ditching, grading, building, or repairing roads or bridges, with the terms of contract. He shall draw drafts or warrants on the county treasurer for all such bills as have been properly examined, allowed and ordered to be paid by the board; and for this service shall receive such compensa-

Clerk, duties of.

tion as the board may determine, not to exceed one hundred and fifty dollars per annum.

Open sessions. 6. The board shall sit with open doors, and the books and records shall at all times be open to the inspection of any citizen. It may require the sheriff or any constable to attend and preserve order, and pay for this service an amount not exceeding two dollars per day.

Tie vote, how decided. 7. If there should be a tie vote on any question, it shall be the duty of the clerk to certify the same to the judge of the county court, who shall thereupon attend the meeting of the board, and the vote shall again be taken, and if again there is a tie, the judge shall give the casting vote.

Roads to be classified. 8. As soon as practical after the organization, the board shall classify the roads of the county into two classes, to be known as county roads and district roads. All of the more important roads leading to the cities of Norfolk and Portsmouth, to the town of Berkley, and to the important landings and railroad stations, together with the causeways and large bridges, shall be placed in the first class, and known as county roads. All other roads and bridges shall be placed in the second class, and known as district roads. *The county roads and bridges* shall be divided into as many divisions as there are commissioners, and each commissioner shall have charge and oversight of one division; and the district roads and bridges shall be under the care of the commissioner of the district where located. All roads, both county and district, shall be subdivided in sections not exceeding ten miles in length, with an overseer for one or more sections.

Overseers to be appointed. 9. The board shall appoint an overseer for each section, who shall hold office for two years from July first next succeeding his appointment, and shall receive for his services ten per centum of all amounts, under thirty dollars, expended by him on his section, and two dollars for each day he may work a gang of men on the road: provided that he shall not be paid for more than ten days in one year, or an amount greater than twenty cents for each man who works one day.

Roads to be kept in repair. 10. The board shall require the overseers to keep the sections of road assigned them, by mending or filling all breaks, holes, ruts, and so forth, cutting away the weeds and brush, repairing bridges, and so forth, as specified under section defining duties of overseers. But when any ditching, grading, building, or shelling is required, the cost of which will exceed thirty dollars, the board shall require the commissioner having charge of the road where the work is located to post notices in at least three places in the county, one of which shall be in the neighborhood of the work, specifying clearly the amount and character of the work, and naming a day and hour when bids will

be received and opened for the doing of said work, and at the named hour to publicly open all bids and award the contract to the lowest bidder: provided, however, he may, if he deem it for the public interest, reject any or all bids. But the bidder of any rejected bid, may, within two days thereafter, appeal to the board of commissioners, and its decision shall be final. The commissioner shall file a written report of all contracts made under this section, and the bond of the contractor, with the clerk of the board of commissioners.

11. The overseer shall enroll all male persons living on his section who are subject to road duty, and file a copy of the enrollment with the clerk of the board of commissioners. He shall have authority and be required to work these persons on his section, or such as may be assigned to him by the board, two days in each year, and with them as much as possible keep his section of road in general repair. He may also expend on his section the fines and money which may be paid to him in lieu of work, or which may be appropriated by the board of commissioners; and he shall annually make a written report to the board, showing the number of days employed, number of men worked, the amount of money collected and expended, with an estimate of the work required for the ensuing year.

Males subject to road duty to work on roads.

12. The board of commissioners shall assign to each overseer a gang of men from his own or adjacent sections: provided no man shall be required to go more than five miles from his own section.

May work in other than their own district.

13. All male persons in the county, between the ages of eighteen and fifty years, when duly notified by an overseer of roads, shall attend and work the road under the direction of the said overseer two days in each year: provided this shall not apply to ministers of the gospel who have regular work, or to such persons as may be exempted by the board of commissioners, the county court, or a justice of the peace, on account of disability, or to any man who shall pay one dollar in lieu of work. If any man shall, after notice, refuse or fail to attend and work, it shall be the duty of the overseer, within thirty days thereafter, to enter a fine against said delinquent of seventy-five cents for each day of delinquency, and after adding fifty per centum for costs, place a bill of the same in the hands of a constable for collection, and this officer shall have power to distrain therefor or otherwise collect the same in the mode provided for the collection of taxes. The officer having the collection of the fine shall account for it to the overseer, retaining the aforesaid fifty per centum costs for his services. He shall also, annually, in July, report in writing to the board of commissioners the number and amount of fines placed in his hands, and how disposed of; and the board may hold the collecting officer responsible

Who liable for road duty, penalty for failure.

for any fines which, in its judgment, he has not used due diligence in collecting.

May hire extra labor, limit.

14. When any section of road, causeway, or bridge shall require draining, grading or timbering, and the overseer be unable with his force to do it, he shall make a report thereof to the board of commissioners, and if the cost be estimated not to exceed thirty dollars, the board may direct the overseer to hire workmen and do the work, to be paid for out of the road levy; but if the estimated cost exceeds thirty dollars, the board shall require the commissioners in charge to advertise and let the same as hereinbefore prescribed. But when by storm or otherwise in sudden damage to a highway so as to interrupt travel or endanger life, any two commissioners may order to repair, even if the cost should exceed thirty dollars, without awaiting the slow process of advertising.

Road tax.

15. Annually, upon the recommendation of the board of commissioners, the board of supervisors shall levy a tax of not less than five nor more than ten cents on the one hundred dollars of taxables in said county, which shall be assessed and collected as other county taxes, and shall be known as the county road tax, the proceeds of which shall be placed by the county treasurer to the credit of the board of commissioners, and shall be used by them in keeping and improving the county roads, bridges and causeways. In addition to the above, the board of supervisors shall, on the recommendation of the commissioner, or twenty-five freeholders of any district, levy a tax of not less than five nor more than ten cents on the one hundred dollars of taxables in said district, to be assessed and collected as other district taxes, and to be known as the district road tax, the proceeds of which shall be placed to the credit of the road board, to be expended upon the roads of the district where raised. And the said board of supervisors shall cause one-half the net proceeds of the county's interest in the rental of the Norfolk county ferries to be placed to the credit of the board of commissioners, to be applied as they deem best.

Board to report.

16. The board of commissioners shall annually in July, make a report to the county court and to the board of supervisors, setting forth the amount and character of the work done the preceding year, with the cost of the same, together with the amount of money received and expended; also an estimate of the amount required for the ensuing year, and the board of supervisors may refuse to make the annual levy for roads until this report is before them.

County treasurer to collect and disburse road moneys.

17. The county treasurer shall collect the road taxes, and place them to the credit of the board of commissioners, and pay out the same on the warrant of the said board, when signed by the clerk and countersigned by the chairman

of the same. He shall annually, at the November meeting of the commissioners, make a full report of all road money received and paid out by him, of the amounts assessed, collected and delinquent. The board of commissioners shall compare his vouchers and books with those of the board, and make a complete audit of his accounts with the board. The treasurer shall receive the same commissions on road money collected and disbursed by him, as on other county and district funds.

18. No commissioner or overseer appointed under this act shall be interested directly or indirectly in any contract, or any profit of any contract, made by or with any person who may contract to do work on the roads, or in the sale or purchase of any supplies or material for said roads; and any commissioner or overseer becoming so interested, shall forfeit the same, together with his salary, and shall be dismissed from his office by the county court, and be fined not less than five nor more than fifty dollars for each offence.

Commissioners
not to be interested in contracts.

19. Each commissioner shall receive for his service one hundred dollars per annum.

20. All acts and parts of acts inconsistent or in conflict with this act are null and void.

Repeal.

21. This act shall be in force from its passage.

Commencem't.

CHAP. 87.—An ACT to extend time to W. G. Scott's administrator to collect certain tax tickets in his hands.

Approved January 26, 1892.

Whereas W. G. Scott, late deputy treasurer of Smyth county, has departed this life, leaving uncollected various tickets for taxes and levies which passed into his hands as deputy treasurer, due for county and state purposes, and that said tickets remain uncollected, but for which he settled with the state and county authorities; therefore,

Preamble.

1. Be it enacted by the general assembly of Virginia, That authority is hereby given to and vested in the administrator and personal representative of W. G. Scott, deceased, to collect the amount due upon said tickets for taxes and levies, which have not been returned delinquent or insolvent, for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, eighteen hundred and ninety, and eighteen hundred and ninety-one; and the said administrator and personal representative of W. G. Scott, deceased, shall have the power of levy and distress for the same that treasurers now have under the present laws, and that

this power be extended for the period of one year from the passage of this act.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 88.—An ACT authorizing the council of the city of Lynchburg for and in behalf of said city, to appropriate money to improve bridges and highways outside of the city limits leading to and from the said city.

Approved January 26, 1892.

1. Be it enacted by the general assembly of Virginia, That in addition to the powers heretofore granted to the council of the city of Lynchburg, the said council shall have power to appropriate money for the purpose of improving highways and bridges located outside of the said city, but leading into the said city: provided the said appropriation shall not for any one purpose exceed the sum of two thousand dollars, and shall not be expended for work to be done at a greater distance than one mile from the corporate limits of the said city.

2. And provided further, that no such appropriation shall be made except by an affirmative vote of two-thirds of all of the members of the council elected.

Commencem't. 3. This act shall take effect from its passage

CHAP. 89.—An ACT to fix the times for holding the terms of the corporation court of the city of Charlottesville, and the trial of appeals from magistrates in the same.

Approved January 26, 1892.

Charlottesville
court, time of
holding.

1. Be it enacted by the general assembly of Virginia, That the terms of the corporation court of the city of Charlottesville, shall be held on the third Monday in each month, except July or August, as the judge of said court may deem best.

2. The judge of said court may, from time to time, change the day for the commencement of said terms thereof, or any of them, and the clerk of said court shall thereupon notify the clerk of the house of delegates according to law.

3. Appeals from magistrates may be tried by the judge of said court at any term of said court.

4. All acts or parts of acts inconsistent with this act are hereby repealed.

Commencem't. 5. This act shall be in force from its passage.

CHAP. 90.—An ACT to enable the Seaboard and Roanoke railroad company to construct, maintain, and operate a double railroad track on certain streets in the city of Portsmouth, in accordance with a contract with said city, dated March 4, 1890.

Approved January 26, 1892.

1. Be it enacted by the general assembly of Virginia, That the Seaboard and Roanoke railroad company shall have power and authority to construct, equip, maintain, and operate a double track, with such sidings as the council of the city of Portsmouth may allow from time to time, on Crawford street, in the city of Portsmouth, from the North street wharves to connect with the Union depot tracks at a point south of South street; and from the city limits along Race avenue and the route of the present Gosport track to the Union depot and the Crawford street tracks, in accordance with the provisions and under the conditions mentioned and specified in the contract between the said city of Portsmouth and the said Seaboard and Roanoke railroad company, and the Atlantic and Danville railway company, dated March fourth, eighteen hundred and ninety.

May occupy streets.

2. That in case the owner of any lot or lots along the line of said Crawford street or Race avenue shall be of opinion that his lot or their lots are impaired in value by the construction of said track, such owner or owners, if they cannot agree with said company as to the amount of compensation to be paid, shall have the right, within sixty days from the passage of this act, to apply to the court of hustings for the city of Portsmouth for the appointment of commissioners to ascertain the amount, if any, of such impairment, the same to be ascertained in the manner prescribed by chapter forty-six, code eighteen hundred and eighty-seven; and when so ascertained, the finding of said commissioners shall have the force and effect of a judgment against said company: provided should the owner of any lot or lots on the line of said improvement of the railroad company make oath before the court appointing commissioners that they believe that they cannot obtain a fair assessment of values by a commission appointed from the citizens of Portsmouth, then the said court shall appoint the commission from beyond the limits of said city.

Aggrieved parties may appeal

Court may appoint commission.

3. But during the pendency of such proceedings for ascertaining the amounts to which the owner or owners of any lot or lots along the line of said streets may be entitled by reason of the impairment of value caused by the construction of said tracks, no order shall be made nor any injunction awarded by any court or judge to stay the proceedings of said company in the prosecution of the

Injunctions, when not to hold.

work of constructing, maintaining, or operating said tracks, unless it be manifest that said company, its officers, agents, or servants are transcending their authority, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

Other companies may have like privileges.

4. The council of the city shall have power and authority to grant like privileges on Crawford street, or any other street in the city, to any other railroad company.

5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed in so far as is necessary in order that the provisions of this act may be carried into effect.

Commencem't. 6. This act shall be force from its passage.

CHAP. 91.—An ACT to incorporate the Richmond, Gayton and Southside railroad company.

Approved January 26, 1892.

Corporators.

1. Be it enacted by the general assembly of Virginia, That Ware B. Gay, H. W. Cunningham, J. H. Freeland, A. R. Winslow, of Boston; H. C. Skinner, E. B. Arnold, of New York; Julius Baker, M. M. Gilliam, H. Lee Lorraine, Edward H. Gay, W. W. Palmer, of Richmond, Va.; John T. Jones, of Gayton, Va.; or such of them as may accept the provisions of this act, their associates, successors and assigns, be, and the same are hereby, incorporated a body politic and corporate under the name and style of the Richmond, Gayton and Southside railroad company; and as such are empowered to locate, construct, equip and operate a line of railway between any points in the counties of Henrico, Chesterfield, Powhatan and Goochland, and from any such points, to a point on the James river, at or near Warwick, passing through or near the cities of Manchester or Richmond, with power to use the streets and alleys of either or both of said cities: provided, the consent of the council of such city or cities be first obtained, the route to be such as may be determined by the stockholders of the Richmond, Gayton and Southside railroad company.

Lands, what may be held and how used.

2. The said company shall have the right to acquire lands along the route of said railway, by donation, purchase, or in any other legal manner, not to exceed two thousand (2000) acres, to use, sell, or hold the same; and shall have the further right, with the consent of the board of supervisors of Chesterfield county, to use as a road-bed for said railway, a portion or side of the road known as

the Manchester and Petersburg turnpike, which portion of said turnpike shall be selected by the board of supervisors, or to select any other route as to the stockholders and directors of said company may seem advisable, and which may hereafter be selected: provided, that under the power to condemn for right of way, hereinafter given, the said company shall not condemn a strip parallel with the James river front, nearer than one-half a mile thereof, between Whitby and Warwick wharf.

3. The company may acquire by condemnation, according to the laws of Virginia, the lands required for the necessary stations, depots and power plants for its operation, not to exceed two acres at any one point, and should it not use the turnpike as a road-bed, the right of way of not exceeding one hundred feet in width for its railway, subject to the provisions mentioned in the preceding section. May condemn lands.

4. Said company shall have the right to build bridges at Mayo's island over James river, and such streams as may be necessary for its railway, and may acquire by condemnation or purchase, the lands necessary therefor, or to contract with corporations or managers of bridges spanning said streams, for the use of such bridges, and with the consent of the city councils of Richmond and Manchester, may use such streets as may be agreed upon by said councils. Bridges, may build.

5. The said company shall have the right to use steam, compressed air, electric, or other motive power, as the directors may deem necessary or advisable. Motive power.

6. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter and renew the same at pleasure, and shall have, possess and enjoy all the rights and privileges of a corporation or body politic in the law, and necessary for the purposes of this act. Corporate privileges.

7. The capital stock of said company shall not be less than fifty thousand dollars, and may, from time to time, be increased to any amount not exceeding one million dollars, by issue and sale of shares, preferred or common stock, or both, upon such terms and conditions, and under such regulations as the board of directors shall prescribe, the par value of which shall be one hundred dollars; and the directors may receive cash, labor, material, bonds, stocks, real or personal property, in payment of subscriptions to the capital stock, at such valuation as may be agreed upon between the directors and subscribers, and may make such subscriptions payable in such manner and amounts, and at such times as may be agreed upon with the subscribers; and whenever five hundred shares shall Capital stock.

have been subscribed, and the sum of ten thousand dollars paid in cash, the subscribers, under the direction of any five of the incorporators hereinbefore named, who shall be subscribers, may organize said company by electing a president and board of directors and providing for the selection of such other officers as may be necessary for the control and management of the business and affairs of the company; and shall have and exercise all the powers and functions of a corporation under their charter and the laws of the state.

Money, may
borrow and
secure invest-
ments.

8. The said company may borrow money and issue and sell its bonds, from time to time, for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal or mixed, its contracts and privileges, including its franchise to be a corporation, and it may, as the business of the company shall require, sell, lease, convey, and encumber the same.

May hold other
stocks.

9. The said company may subscribe to and hold shares in the capital stock of any other corporation, and may sell and dispose of its own stock or any other stock owned by it in any other corporation.

May build
branch roads.

10. The company is authorized and empowered to locate, construct, equip and operate any lateral or branch roads or tramways, not exceeding fifteen miles in length, which a majority of its stockholders may determine upon, and by such route or routes as may be selected by its board of directors; and such company may unite or connect its road with that of any other company or companies, or consolidate, absorb, or merge its stock, property and franchises with and into any other company or companies operating or authorized to operate a connecting railway or railways, upon such terms and under such name as may be agreed upon between the companies so uniting, or connecting, merging, or consolidating; and for that purpose, power is hereby given to it, and to such other company or companies, to make and carry out such contracts as will facilitate and consummate such connection, merger, or consolidation, or any lease of sale: provided that a copy of every such contract of consolidation and merger be filed in the office of the board of public works.

Consolidation
and merger.

Construction,
when to com-
mence.

11. The said company shall be required to commence the construction of its railway within two years from the passage of this act, and to complete not less than fifteen miles of the same, including any branches authorized by law, within five years thereafter; otherwise, the powers, privileges and franchises hereby granted shall be void.

12. The principal office of said company shall be in Main office.
Richmond or Manchester.

13. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name; and the president and board of directors of said company may enact such by-laws, rules and regulations for the management of the affairs of said company as they may deem proper and expedient. Powers of shareholders.

14. The board of directors shall be stockholders of said company, and shall consist of such number as the stockholders may determine upon, and shall be elected at the stockholders' annual meeting, to be held on such days as may be named in the by-laws of the company, and shall continue in office for the term of one year from and after the date of their election, and until their successors shall have been elected and accepted the duties of their office, and they shall elect one of their number president; and in case of the death, resignation, or incapacity of any member of the board of directors during his term of office, the said board shall elect his successor for the unexpired term. Officers, their qualifications and terms of office.

15. Any county, town or city along the line or at the termini of said railway, may, pursuant to the general laws of Virginia, subscribe to the capital stock of said railway company, and the company is authorized to accept the same. Counties and towns may subscribe to capital stock.

16. Whenever the corporation shall exercise any of the privileges conferred upon them by this act, it shall be liable to the same taxes as may be imposed by the law upon other corporations or persons exercising like privileges; and all taxes due the commonwealth by said company, shall be paid in lawful money of the United States, and not in coupons. Amenable to general laws.

17. No stockholder in said company shall be held liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to said company for stock subscribed for by said stockholder. Limitation of liability.

18. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves to itself the right to alter or repeal this act at any time hereafter. Commencem't.

CHAP. 92—An ACT to amend and re-enact section 12 of the act approved February, 7, 1890, entitled an act to incorporate the Chesapeake, Fredericksburg and Western railroad company, extending the time for the construction of said road.

Approved January 26, 1892.

1. Be it enacted by the general assembly of Virginia, That section twelve of an act approved February seventh, eighteen hundred and ninety, entitled an act to incorporate the Chesapeake, Fredericksburg and Western railroad company, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 12. The said company or its successors shall begin the work of constructing its railroad within two years from February seventh, eighteen hundred and ninety-two, and shall complete its main line within seven years from said date.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 93.—An ACT to incorporate the Chesterfield agricultural society.

Approved January 26, 1892.

Corporators.

1. Be it enacted by the general assembly of Virginia, That W. W. Baker, Howard Swineford, William I. Clifton, J. B. Watkins, H. Clay Chamblin, John E. Taylor, C. Meade, M. A. Cogbill, John F. Bransford, Thos. Davis, J. P. Gilliam, P. C. Warwick, Ben. P. Owen, J. N. Dunston, A. A. Rudd, G. E. Robertson, W. H. Wherry, A. C. Atkisson, T. M. R. Talcott, J. H. Webb-Peploe, H. A. Catlin, H. E. Harnish, J. P. Goode, D. B. Goode, Geo. B. Adkins, E. T. Cox, Joseph Walker, Byrd Warwick, J. F. Bradley, and W. J. Carter, and all other persons associated with them under the provisions of this act, be, and are, constituted a body politic and corporate under the name and style of the Chesterfield agricultural society, and as such shall have perpetual succession and a common seal, which it may renew or alter at pleasure; and may sue and be sued, plead and be impleaded, contract and be contracted with, and make all needful by-laws, ordinances, and regulations not inconsistent with the laws of this commonwealth.

May hold fairs.

2. The purposes and objects of this society shall be to establish and conduct fairs and other exhibitions of agricultural and mechanical products, live stock, works of art, minerals, and other commodities, and by exhibition of all lawful sports and by the awards of premiums for excel-

lence of quality in articles exhibited and for speed of horses.

3. The said society shall be entitled to take by grant, gift, devise, or bequest, and hold real or personal property with the power to grant and convey the same, its real estate not to exceed two hundred acres. The capital stock of the society shall not be less than five thousand dollars, nor more than one hundred thousand dollars, divided into shares of twenty-five dollars each, which shall be paid in cash or instalments, as may be required by the by-laws. The said society shall be authorized to accept land or other property in payment of stock, and shall be authorized to issue preferred stock and common stock, or either or both, as it may be determined to be most judicious.

May hold and sell real estate.

4. No stockholder shall be under any liability, except to pay to the society the par value of the stock subscribed for by him.

Liability of stockholders.

5. All certificates of stock shall be signed by the president and countersigned by the secretary and treasurer of the society.

6. Each stockholder shall have one vote in person or by proxy at all the meetings of the stockholders for each share of stock owned by him.

7. The annual meetings of the stockholders shall be held at such time and place as may be provided by the by-laws of the society. If at any meeting of the stockholders there be present in person or by proxy those who can give a majority of all the votes which could be given by all the stockholders, the same shall constitute a quorum for the transaction of business and the election of officers, and not otherwise.

Annual meetings.

8. At the first meeting of the stockholders under this act, and thereafter at their annual meetings, there shall be elected fifteen directors, who shall be stockholders, and eight or more of the said directors shall constitute a quorum for the transaction of all business.

Officers.

9. The voting for the directors and other officers shall be by ballot, and a majority of the votes cast shall be necessary to elect.

10. The stockholders shall elect a president, a vice-president, a secretary, and treasurer, annually, from among their number, and fix their compensation.

11. The board of directors, including the president, secretary, and treasurer, shall have the appointment of such other officers and employees as they may deem necessary for the purposes of the society, and fixing the compensation of such appointees. They shall also have the management, superintendence, and control of the property, affairs, business, and concerns of the society. They shall make the necessary arrangements for the stated fairs and exhibitions of the society, and prepare and ordain schedules

May select subordinate officers.

of premiums to be awarded to exhibitors; and they shall, annually, or from time to time, as when the income of the society shall exceed its debts and expenses, declare and pay dividends out of the net profits of its fairs and exhibitions to the stockholders upon the stock held by them.

12. No money shall be paid out for or on account of the society but upon the order of the board of directors by check or draft upon the treasurer, signed by the president and countersigned by the secretary.

Principal office. 13. The principal office of said society shall be in the city of Manchester or county of Chesterfield, and the society may locate said offices at its fair grounds.

Police—how appointed. 14. The county court of Chesterfield county, or the judge thereof in vacation, shall have power to appoint police officers for the fairs, exhibitions, and for all public occasions of said society, whose duty shall be to preserve the peace and good order and to make arrests if necessary.

15. Be it further enacted, That any of the railroad or street railway companies, or land companies, or other corporations, located or doing business in the county of Chesterfield or city of Manchester, or in the county of Henrico and city of Richmond, be, and they are hereby, authorized to subscribe to the capital stock of said society.

Commencement. 16. This act shall be in force from its passage.

CHAP. 94.—An ACT to charter the town of Richlands.

Approved January 26, 1892.

Boundary. 1. Be it enacted by the general assembly of Virginia, That all the territory in Tazewell county, included in the following boundaries: Beginning at station forty-six by sixty-seven and four tenths of the Big Creek branch of the Clinch Valley extension of the Norfolk and Western railroad; thence west fourteen hundred and ninety-five feet to a point; thence south seventy-four degrees, twenty minutes west, crossing little Town Hill branch, at forty-two hundred feet and big Town Hill branch at sixty-two hundred and seventy-five feet, ninety-two hundred and fifty feet to a point; thence south four degrees, five minutes east, crossing the Kentucky turnpike, at eight hundred and seventy-five feet, the Clinch Valley extension of the Norfolk and Western railroad, at sixteen hundred and forty feet, fifty-seven hundred and seventy-five feet, passing down the Clinch river, and crossing the same to a point; thence south eighty-eight degrees, five minutes east, crossing Sinkhole creek, at forty-nine hundred and fifty feet, twelve thousand three hundred and seventy feet

to a point; thence north three degrees, thirty minutes west, eight hundred and thirty-seven and five tenths feet to a point; thence north four degrees, forty-three minutes east, two hundred and eighty-nine feet to a point; thence north three degrees, fifty minutes west, fourteen hundred and sixty and seven-tenths feet to a point; thence north fifty-six degrees, thirty minutes east, two hundred and ninety-four and five-tenths feet to a point; thence north eighty-three degrees east, seven hundred and ninety-six and five-tenths feet to a point on the south bank of the Clinch river; thence along the south bank of the Clinch river, north five degrees, fifty minutes east, two hundred and fifty feet; north four degrees, ten minutes west, eight hundred feet; north twenty-nine degrees, fifty minutes west, three hundred and seventy feet to a point; thence north, crossing the centre of the Clinch river at ninety feet, and the Clinch Valley extension of the Norfolk and Western railroad, at two hundred and forty-five feet, thirty-four hundred and seventy-five feet to a point; thence west crossing Big Creek, at twenty-nine hundred and twenty-five feet, three thousand and sixty feet to the point of beginning; with the streets, alleys, avenues, roads and lots as now laid off and established, as shown by the surveys, maps, certificates, and plans of the Clinch Valley coal and iron company, and the Richlands land company, now of record in the clerk's office of the county court of Tazewell county, shall constitute the town of Richlands; and the inhabitants within said boundaries, and their successors shall be a corporation under the name and style of the town of Richlands, and the forty-fourth chapter of the code of Virginia, edition of eighteen hundred and eighty-seven, as far as same is consistent with this act, shall be applicable to said town; and the council of said town may, from time to time, enlarge the boundaries of said town, by adding thereto the lands of such persons or corporations as may desire to be included in said corporation, and who shall make application therefor to said council.

2. The government of the said town shall be vested in a mayor and a council of five, who shall be residents of the said town. The first election under this charter shall be held according to the provisions thereof, on the first Monday in March, eighteen hundred and ninety-two, and the officers then elected shall enter on the discharge of their duties on the second Monday in March, eighteen hundred and ninety-two, and continue in office until the first day of July, eighteen hundred and ninety-two; and the second election for mayor and council shall be held on the fourth Thursday in May, eighteen hundred and ninety-two, and thereafter, the mayor and council of said town shall be elected annually, on the fourth Thursday of May,

Officers of government.

by those qualified to vote for members of the general assembly, and who shall have been residents within the boundaries of the corporation for three months next preceding the election, and no other persons. The council of said town shall annually appoint three citizens of said town to act as judges, and two persons to act as clerks; said judges and clerks to be qualified voters of said town, and are authorized to hold all elections to be held under this charter. There shall be five days' notice of all elections by posting notices at three or more public places within the corporation. The mayor and council shall enter on the discharge of their duties on the first day of July next following their election, and shall remain in office until their successors are elected and qualify in their stead, but no longer.

Elections—provisions.

3. The council shall fix and determine the place where said elections shall be held; shall prescribe the manner of declaring and certifying elections, and determine the validity of any election, of deciding between two or more when the number of votes shall be equal, and of filling vacancies in said board; a majority of said board shall constitute a quorum to do business. Any person feeling aggrieved by the decision of the council, involving the validity of any election, may, of right appeal therefrom to the county court of Tazewell county, at any time within ten days after such election.

Council may appoint subordinates.

4. The council shall appoint annually a sergeant, recorder, and treasurer, and shall fix their compensation, and prescribe their duties, and require such bonds as may be deemed proper.

Sergeant—duties of.

5. The sergeant of said town shall have authority and power to collect all taxes, levies, fines, and costs legally imposed by the mayor, the council or any member thereof, and may levy on and take into his possession and sell for cash, after ten days' written notice posted at such public place as the council may by ordinance prescribe, stating the time, terms, and place of sale, any property subject to the payment of such taxes, levies, fines, and costs. He shall have power to execute within the county of Tazewell, in a civil or criminal proceeding, any warrant or process legally directed to him by the mayor or the council of the said town, or any member thereof. The council shall, by ordinance, prescribe his compensation for such services, which shall not be increased or diminished during his continuance in office.

6. The sergeant of said town, upon entering into bond in the county court of Tazewell county, in the manner prescribed by law for constables, and with such conditions as constables are required by law to enter into, shall have all the power and authority of a constable in the collection of money by warrant or otherwise, and to exe-

cute any and all process to him directed, or which might have been so directed; and shall and may do and perform all acts, execute and return such warrants, and be liable in the same manner and to the same extent that constables are by the laws now in force.

7. The sergeant of said town shall be a conservator of the peace, and shall have power to arrest in said town, or anywhere within Tazewell county, upon a warrant issued by the mayor, recorder, or councilmen, any person charged with a violation of the laws or ordinances of said town; and when a violation of the laws or ordinances of said town are committed in his presence, he shall have authority and power, without warrant, forthwith to arrest the offender and carry him before some conservator of the peace of said town, to be dealt with according to law.

Sergeant to be conservator of the peace.

8. The mayor, recorder and councilmen, and each of them, shall, and may exercise all jurisdiction, civil and criminal, now by law conferred upon justices of the peace; shall preserve peace and good order in said town; and to this end, they, and each of them, shall be a conservator of the peace, with all the power conferred upon conservators of the peace by chapter one hundred and ninety-one of the code of Virginia.

Powers of council.

9. The mayor, recorder and councilmen of said town, and each of them, upon taking oaths required by law, to be taken by justices of the peace, shall each have authority and jurisdiction, to hear and determine all matters of which a justice of the peace would have jurisdiction, and to hear and determine all controversies arising under the laws and ordinances of said town, and to issue any and all proper process, whether mesne or final, which may be necessary to enforce their judgment and authority.

10. The council of said town shall be, and is hereby, invested with the power and charged with the duty of taking care of the poor within the limits of said town; and said council and the superintendent of the poor for Tazewell county, are authorized and empowered to contract, on such terms as they may agree upon, for the removal of such poor persons as may become a charge upon said town, and for their care and support at said poor-house.

Shall provide for its poor.

11. The said council shall have power and authority to lay and collect, and apply to the maintenance of public free schools in said town, annually, a sum equal to what the inhabitants and property of said town would have to pay annually to the county of Tazewell, for public free school purposes if this act had not been passed.

May levy school tax.

12. The council shall have power to make accurate bounds of existing streets, and to compel the removal of obstructions therefrom, and to lay off and have new streets, alleys and sidewalks, and to provide and protect shade

May define streets.

May ordain
rules for the
good order and
safety of town.

trees thereon. The council of the said town shall have the same jurisdiction for condemning lands for streets, alleys and sidewalks of said town, as the county court has for condemning lands for roads in the county. The council shall further have power to provide against and prevent accidents by fire; to establish and regulate markets; to prevent the running at large of hogs, dogs, horses, and other animals; to prevent the cumbering of streets, sidewalks and alleys, in any manner whatever; to make sanitary regulations in reference to contagious or other diseases; to regulate the building of all houses, stables, privies, hog pens and slaughter houses; to abate nuisances at the expense of those who cause them; to restrain and punish drunkards, vagrants, mendicants and street beggars; to appoint police and prescribe their duties and compensation, and to make, pass and ordain such rules, regulations and by-laws, as they may deem necessary and proper for the internal and general good, safety, health and convenience of the said town and inhabitants thereof, and for enforcing the provisions of this charter. They shall punish all violators of law by fine or imprisonment, or both, as may be prescribed by the by-laws or ordinances of said town: provided, that the accused shall have the right of appeal to the county court in all cases of violation of the by-laws or ordinances of said town, except in cases where imprisonment is imposed for failure to pay fines or costs imposed. The authorities of the said town, with the consent of the county court, entered of record, shall have the right to use the county jail whenever it may be needed by them. Whenever judgment shall be rendered against any person for fines, and there be no visible effects which the sergeant may distrain and sell therefor, the person so in default may be compelled to work out such fines on the public streets or other improvements, and to suffer in addition such term of imprisonment as may have been imposed, as prescribed by ordinances of said town. All fines for the violation of the ordinances of said town shall be paid into the treasury of said town, and shall be appropriated as the council may determine.

May levy road
tax.

13. The council may, annually, levy a tax for roads, streets, sidewalks, and all other purposes, by a two-thirds vote, to be approved by the mayor, which on no property shall exceed one dollar and twenty cents on the hundred dollars valuation.

Sale of spirit-
uous liquors
prohibited.

14. No license shall be granted to any person, club, or corporation to sell wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, either by wholesale or retail, or to be drunk at the place where sold, or in any other way, within the corporate limits of the said town (or within one mile thereof), without, unless, and

until the applicant shall produce to the court, or officers authorized to grant such license, the written consent of the council of the town. And upon the production of a copy of the record of said council to said court, showing such consent and specifying the place where to be sold, and in what manner; that the applicant is a corporation chartered under the laws of this state, or if the applicant is not such a corporation, that the person so applying is sober, discreet, and of good moral character, and that the place is suitable and convenient; that the said applicant has paid into the treasury of said town the sum of one hundred and fifty dollars, and to the treasurer of Tazewell county the tax required by existing laws to be paid to the state for the exercise of said privilege, said court shall grant such applicant a license to sell all or any of the things mentioned in this section, by wholesale, retail, or to be drunk at the place where sold: provided that if the applicant desires to sell by wholesale, he shall pay into the said treasury the sum of five hundred dollars, unless he desires to sell malt liquors only by wholesale, in which case he shall pay the sum of three hundred dollars. But license shall not be granted to any corporation or person to sell in more than two of the modes herein designated; nor shall said license be granted until the applicant shall execute bond in said court, with good security, in the penalty of five thousand dollars, conditioned according to law. Any person who shall, without first procuring a license, as required by this section, sell wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, or fruits preserved in ardent spirits, either by wholesale, retail, or to be drunk at the place where sold, or in any other way, within the corporate limits of the said town, or within one mile thereof, shall be punished by a fine of not less than thirty dollars, and not more than one thousand dollars for each offence; and if the fine and the costs of the prosecution be not at once paid, the accused shall be forthwith committed to the calaboose of said town until the fine and costs be paid, or he be discharged by due process of law. The mayor of said town, the council, or any member thereof, shall have jurisdiction to try any person charged with a violation of any of the provisions of this section, and impose the punishment hereby prescribed. All fines imposed under this section shall be for the benefit of the said town, and shall be paid into the treasury thereof. Any person found guilty of violating any provisions of this section shall be required by the officer trying the case to give bond, with good security, in a reasonable sum, to be fixed by such officer, to be of good behavior for twelve months; and if such person fail to give such bond, he shall be at once committed to the calaboose of said town until he does give it, or is discharged by due process of law.

May borrow
money.

15. The council of said town may borrow money for and in the name of said town, not exceeding ten per centum of the assessed valuation of the taxable property in said town, and execute the bonds of said town therefor, bearing interest at the rate of six per centum per annum, and payable as may be agreed on.

Exemptions.

16. The wages of a laboring man shall be exempt from distress, levy, or garnishment for any debt created within the corporate limits of the said town for wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, or fruits preserved in ardent spirits.

Mayor or council
may summon posse.

17. The mayor and council, and each member of the council, shall have power and authority to deputize any number of citizens of the town, and such as may be in town from said county, to assist the sergeant in the full discharge of his duties in all cases of riot and misdemeanors.

Officers for
first election.

18. W. B. Spratt, H. W. Shannon, H. Wade Steel, S. P. Griffiths, and George McCall, or any three of these persons, are hereby authorized and empowered to hold the election, agreeably to the provisions of this act, for the election of a mayor and council of said town, on the first Monday in March, eighteen hundred and ninety-two, at the office of the Clinch Valley coal and iron company, in said town.

Commencement.

19. This act shall be in force from its passage.

CHAP. 95.—An ACT to approve and ratify a charter of incorporation granted by the congress of the United States, approved February 28, 1891, entitled an act to incorporate the Washington and Arlington railway company of the District of Columbia, so far as it relates to its proposed railway line within the limits of the state of Virginia.

Approved January 26, 1892.

Preamble.

Whereas the congress of the United States passed an act which was approved on the twenty-eighth day of February, eighteen hundred and ninety-one, entitled "an act to incorporate the Washington and Arlington railway company of the District of Columbia," with authority to contract and lay down a single or double track railway, with necessary switches, turnouts, and other mechanical devices for operating the same by horse, cable, compressed air, or other power, to be approved by the commissioners of the District of Columbia, or electric power, for carrying passengers, parcels, milk, and truck by a route designated and set forth in said charter. This route begins on Sixth street, near B street, northwest, and runs through certain portions of the city of Washington to a point on the Po-

tomac river, at or near the point known as the "Three Sisters," where the said company is authorized to construct and maintain a bridge across the Potomac river, on such plans as the secretary of war may approve, "and from thence by, on, and over such lines as may be selected by the said company, with the approval of the secretary of war, to the northwest entrance of the Arlington cemetery, and thence through the Arlington estate, outside of the cemetery grounds, to the south or west line thereof, in the state of Virginia," with certain provisos in said charter of incorporation set forth, and among them *this proviso*: "That so much of said line as may be within the state of Virginia shall first receive the approval of the proper authorities of said state"; now,

1. Be it enacted by the general assembly of Virginia, Acts approved and ratified.
That so much of the said proposed line, contemplated by the said Washington and Arlington railway company under said act of congress, as may lie within the state of Virginia be, and the same is hereby, approved and ratified, with the same rights and privileges and powers in regard to it as may be applicable, as is expressly granted to said company by said act of congress in regard to that portion of said railway line as may lie within the District of Columbia and the United States reservation, known as Fort Meyer, and such other lands of the United States in the state of Virginia.

2. And it shall be lawful for said Washington and Arlington railway company to consolidate with, or to lease, May consolidate or lease.
in whole or in part, or to purchase, the works, property, franchises, and privileges of any other railway or railroad company, or railway and improvement company, heretofore incorporated, or which may be hereafter incorporated, under the laws of the state of Virginia, upon such terms as may be agreed upon between them. And power is given to such other company or companies in like manner to make and carry out such contract or contracts of sale or lease.

3. And it shall be lawful for said company to acquire May hold real estate.
by gift or grant or purchase, such real estate as may be necessary for its corporate purposes, and to hold, sell, mortgage, lease, or otherwise dispose of the same; to connect its railway with the rails, road-beds, of any other railway or railroad company, and to acquire by condemnation, according to the laws of the state of Virginia, the lands required for the right of way of its railway, and the necessary stations and depots for its operation; and to exercise all the powers imposed by the laws of the state of Virginia upon such corporations, and likewise to be subject to all the penalties and limitations imposed by said laws; and all taxes, dues, or demands from said company

to the state of Virginia shall be paid in lawful money of the United States.

Commencem't. 4. This act shall be in force from its passage.

CHAP. 96.—An ACT to authorize the United States government to acquire title and jurisdiction to land on Hog island, in the county of Northampton, for the erection of the lighthouse station.

Approved January 26, 1892.

Preamble. Whereas the government of the United States desires to acquire title to certain land on Hog island, in the county of Northampton, for wharf and roadway purposes in connection with Hog island light station; therefore,

Jurisdiction granted. 1. Be it enacted by the general assembly of Virginia, That the consent of this commonwealth be, and is hereby, given to the acquisition of said title, so that congress may exercise such authority and jurisdiction over the said land, when the title to the same shall have been acquired, as is within the contemplation of the seventeenth clause of the eighth section of the first article of the constitution of the United States.

Virginia retains concurrent jurisdiction. 2. This state retains concurrent jurisdiction with the United States over the said land, so far as it lawfully can, consistently with this act, and its courts, magistrates, and officers, may take such cognizance, execute such process, and discharge such other legal functions within the same, as may not be incompatible with the true intent and meaning of this act.

Jurisdiction to revert. 3. If the purposes of this grant shall cease, or if there shall be, for five years consecutively, a failure on the part of the United States to use said land for the purposes herein expressed, then the jurisdiction herein granted shall cease.

4. The said land so acquired, shall not exceed five acres for the purposes aforesaid; and the said land and the buildings and improvements to be erected thereon for the purposes aforesaid, are hereby exempted from all taxes imposed by this state, or by the county of Northampton, so long as the same shall be held and used by the United States for the purposes hereinbefore mentioned, and no longer.

Taxable if not used as specified. 5. Should the property herein granted be used for any other purposes than that specified herein by the United States government, or under its authority, then the same shall be subject to taxation as other property in the state.

Commencem't. 6. This act shall be in force from its passage.

CHAP. 97.—An ACT to authorize the United States government to acquire title and jurisdiction to land on Smith's island, in the county of Northampton, as a site for a lighthouse station.

Approved January 26, 1892.

Whereas the government of the United States desires to acquire title to certain land on Smith's island, in the county of Northampton, as a site for the Cape Charles light station; therefore, Preamble.

1. Be it enacted by the general assembly of Virginia, Jurisdiction ceded.
That the consent of this commonwealth be, and is hereby, given to the acquisition of the said title, so that congress may exercise such authority and jurisdiction over the said land when the title to the same shall have been acquired, as is within the contemplation of the seventeenth clause of the eighth section of the first article of the constitution of the United States.

2. This state retains concurrent jurisdiction with the United States over the said land, so far as it lawfully can Concurrent jurisdiction retained.
consistently with this act, and its courts, magistrates, and officers may take such cognizance, execute such process, and discharge such other legal functions within the same as may not be incompatible with the true intent and meaning of this act.

3. If the purposes of this grant shall cease, or if there shall be for five years consecutively a failure on the part of the United States to use said land for the purposes herein expressed, then the jurisdiction herein granted shall cease.

4. The said land so acquired shall not exceed twenty-five acres for the purposes aforesaid; and the said land, and the buildings and improvements to be erected thereon for the purposes aforesaid, are hereby, exempted from all taxes imposed by this state, or by the county of Northampton, so long as the same shall be held and used by the United States, for the purposes hereinbefore mentioned and no longer.

5. Should the property herein granted be used for any other purposes than those specified herein by the United States government, or under its authority, then the same shall be subject to taxation as other property in the state.

6. This act shall be in force from its passage. Commencem't.

CHAP. 98.—An ACT to make the boundary lines of lots and tracts of land in Lunenburg county a lawful fence.

Approved January 26, 1892.

1. Be it enacted by the general assembly of Virginia, That within the county of Lunenburg, in the state of Virginia, the boundary lines of each lot or tract of land shall be, and are hereby, declared a lawful fence; and all animals going at large in said county shall be subject to the provisions of sections two thousand and forty-two, two thousand and forty-nine, and two thousand and fifty of the code of Virginia of eighteen hundred and eighty-seven.

Commencement. 2. This act shall be in force from the first day of January, eighteen hundred and ninety-three.

CHAP. 99.—An ACT to incorporate the Potomac and Great falls railroad company.

Approved January 26, 1892.

Corporators. 1. Be it enacted by the general assembly of Virginia, That R. W. Moore, B. F. Mackall, S. R. Donohoe, J. M. Love, and D. S. Mackall, of Virginia; and Henry Wise Garnett, and S. P. Fickline, of the District of Columbia, and such other persons as they may associate with them, and their successors and assigns, are hereby constituted a body politic and corporate, in the name and style of the Potomac river and Great falls railroad company, for the purpose of constructing, equipping, and operating a railroad, either by steam or electricity, from the Great falls, in Fairfax county, Virginia, to such other point in said county as may be selected, to such point as may be selected on the Potomac river between the Great falls and the city of Alexandria.

Capital stock. 2. The capital stock of said company shall not be less than twenty-five thousand dollars, nor more than five hundred thousand dollars. The par value of each share issued shall be one hundred dollars. Subscriptions to the stock shall be received under and according to such regulations as the directors may see fit to make, and in payment of subscriptions they may take labor, material and property, real and personal, as well as cash.

3. The said company, in addition to the land which it may acquire under section one thousand and seventy-three of the code of Virginia, is empowered to acquire real estate in the counties of Fairfax and Alexandria, but shall not hold at any one time more than fifty thousand acres of real estate.

4. The said company shall have the right to borrow money, and to that end, to issue bonds and secure the payment of the same by deed of trust or mortgage on any or all of its property and franchises; to improve and sell its real estate and to lease its franchises and property. May borrow money.

5. The said company shall have the right to connect or unite its railroad with the line of any other railroad, now or hereafter to be built; to consolidate or merge its stock, property and franchises with that of any other corporation, and to subscribe to the stock of any other corporation.

6. The persons named in the first section hereof, shall constitute the board of directors for the first year after this act goes into effect, and shall as soon as may be organized by electing from their number or other persons, a president, secretary, and treasurer, and such other officers as it may deem necessary, and shall, from time to time, make such regulations as may be needful for receiving subscriptions to the stock of the company, and they shall have the right to fill all vacancies. Upon the subscription of the minimum capital stock, and the payment of two per centum thereof, the said company shall be considered and deemed fully organized, and the directors shall adopt all by-laws necessary for the interest of the company, and take such further action as its business may require. Officers.

7. The said directors for the first year after this act goes into effect, shall exercise all the powers of the company, and do whatever might be authorized by the stockholders; but there shall be a general meeting of the stockholders within twelve months from the date when the payment of two per centum of the minimum capital stock is completed, at such place and time as the directors shall appoint, when a new board of directors shall be elected, and such changes made in the by-laws as the meeting shall think proper; and there shall be such other meetings of the stockholders as the by-laws may require.

8. The said company shall commence the construction of its railroad within two years and complete its construction of its main line within five years from the passage of this act. Construction—when to commence.

9. The said company shall pay its taxes in lawful money of the United States, and not in coupons.

10. The general assembly of Virginia reserves the right to alter or repeal this act at any time hereafter.

11. This act shall be in force from its passage.

Commencem't.

CHAP. 100.—An ACT to amend and re-enact section 2 of an act entitled an act to incorporate the Commonwealth club, approved March 3, 1890.

Approved January 26, 1892.

1. Be it enacted by the general assembly of Virginia, That section second of an act entitled an "act to incorporate the Commonwealth club," approved March third, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 2. The said corporation shall have power to make and adopt a constitution and by-laws, rules and regulations for the admission and expulsion of its members and their government; the election of its officers, and to define their duties; for holding general and special meetings of its members for the transaction of business, at any and all of which said meetings its members shall have the right to vote in person or by proxy; and for the safe-keeping and protection of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules, and regulations: provided that the same be not inconsistent with the constitution and laws of the United States or the state of Virginia.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 101.—An ACT to incorporate the Montvale co-operative company of Bedford county, Virginia.

Approved January 26, 1892.

Corporators. 1. Be it enacted by the general assembly of Virginia, That D. H. Thompson, R. C. Harvey, James H. Read, B. W. Arnold, J. M. Wells, A. Carney, F. C. Harvey, and their associates and successors, be, and they are hereby, constituted and made a body politic and corporate by the name and style of the Montvale co-operative company, and by that name and style shall have all the rights, powers, and privileges conferred by, and be subject to all the provisions of the general laws of the state of Virginia in reference to, corporations and chartered companies, so far as the same may be applicable to and not inconsistent with the provisions of this act.

Capital stock. 2. The capital stock of said company shall be not less than five hundred (500) dollars nor more than one hundred thousand (100,000) dollars, to be divided into shares of ten (10) dollars each.

Privileges. 3. The said company may carry on a general mercantile business, maintain a general trade in merchandise, farm

products, and engage in such other business as may be considered necessary for the mutual benefit of the shareholders and customers of said company.

4. The said company may own such houses, lots, and lands as are suitable for carrying out the purposes for which it was organized. May hold real estate.

5. The principal office and place of business of said company shall be in the town of Montvale, or such other place in the county of Bedford, and state of Virginia, as the association may select. Principal office—where to be located.

6. The stockholders shall be individually responsible to the extent of their respective shares of stock in said company and no further. Liability of shareholders.

7. There shall be a meeting of the said corporators and their associates at such time and place, after the passage of this act, as the said incorporators, or any five of them, may appoint, and on such a day and at such place annually thereafter as the by-laws of said corporation may appoint, for the purpose of choosing from the members of the said corporation a president, secretary, and treasurer, and a board of nine directors to manage the affairs of the said corporation for one year thereafter and until a new election shall take place and their successors are duly qualified. Meetings.

8. All taxes which may be assessed against said company shall be paid in lawful money of the United States, and not in coupons.

9. This act shall be force from its passage.

Commencem't.

CHAP. 102.—An ACT to amend and re-enact the charter of the town of Waynesboro'.

Approved January 26, 1892.

1. Be it enacted by the general assembly of Virginia, That the whole charter of the town of Waynesboro', in the county of Augusta, approved February twenty-third, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows: The territory contained within the limits of said town shall be as follows, to-wit: Beginning at the corner of the corporation line of Basic City, at the northern boundary line of the right of way of the Chesapeake and Ohio railway, in the middle of South river, near the railroad bridge; thence in a southerly direction with the corporate line of Basic City to a point in the middle of South river; thence continuing with said Basic City line four hundred and ninety-five feet to a stake; thence with said line feet, crossing the Norfolk and Western railroad to its eastern boundary line; Boundaries.

thence in a southwesterly direction with the eastern boundary line of the said Norfolk and Western railroad to a point where Arch street, on the map of the Baker Springs addition to Waynesboro', crosses said line; thence north with Arch street to South river, and crossing the river to Fifth street, on the map of the Waynesboro' company; thence westward along said Fifth street about thirty-eight hundred feet to Poplar street, as shown on the map of the West Waynesboro' land company; thence with Poplar street and continuing in a straight northerly direction to north side of Staunton road; thence west with said road feet to J. T. Smith's line on eastern boundary; thence in a northerly direction with said line feet to the northern boundary of the Chesapeake and Ohio railway's right of way; thence eastward with said boundary line, or right of way, to the place of beginning; being same as the Basic City line from the New Hope road to the point of beginning.

Waynesboro.

2. Be it enacted by the general assembly of Virginia, That the town of Waynesboro', in the county of Augusta, as the same has been and may hereafter be laid off into lots, streets, and alleys, shall be, and the same is hereby, made a town corporate by the name of Waynesboro', and by that name shall have and exercise all the powers, rights, privileges, and immunities conferred upon towns of less than five thousand inhabitants by the laws of the commonwealth of Virginia, so far as such laws do not conflict with the provisions of this act.

Government of town, in whom vested.

3. That the administration and government of said town shall be vested in a council of seven, who shall be electors of said town, one of whom shall be designated for mayor, and the remaining six for councilmen, to be chosen on the fourth Thursday in May, eighteen hundred and ninety-two, and every two years thereafter, by the qualified voters of said town, after a notice of fifteen days preceding said election shall have been given. The registration of voters in said town, and all elections for whatever purpose, shall be held as provided by law, after fifteen days' notice, by hand-bills or written notices, to be posted at ten or more places within the corporate limits—said notices to be posted by the town sergeant. On the first day of July next succeeding any regular election for mayor and councilmen, the said mayor and councilmen shall qualify and enter upon the discharge of their duties, and shall remain in office until their successors are elected and qualified according to law. Three members of said council and the mayor, or four members, one of whom shall be elected president pro tempore, shall constitute a quorum for the transaction of business. In case any two or more persons receive the same number of votes at any election for mayor and councilmen, the succeeding council shall determine

by lot who shall be declared elected, and in case of a vacancy in the office of mayor or councilman by death, resignation, or otherwise, the said council may fill said vacancy in the office of councilman from the qualified voters of the town, and in the office of mayor from the body of the council or the electors of the town. The said council shall appoint a registrar, who shall register the qualified voters of the town in the manner prescribed by law, and three judges of election, who shall also be commissioners of election, who shall discharge their duties in accordance with the law for the government of judges and commissioners of elections. One of said judges may also act as the clerk of election.

4. The mayor, as chief magistrate of the corporation, shall have all the powers, rights and privileges such office confers in the general law, governing towns of less than five thousand inhabitants; and in civil cases that may arise within the corporate limits, he shall have and exercise all the powers vested in justices of the peace by the laws of the state. The said mayor shall be the president of the council, and as such he shall preside in all their meetings. The mayor or any three members may call a special session of the council. In case of a tie upon any question that may be before the council for consideration, the mayor shall have the casting vote. Any member of the council being absent from three regular meetings of the council, may be removed from the same by the vote of four members thereof, and the place filled according to the provisions of this charter.

Mayor, his duties.

5. The council shall, at their first meeting, and every two years thereafter, elect from their own body, or the qualified voters of the town, a secretary and treasurer. It shall be the duty of the secretary to keep a fair and just record of the proceedings of the council, and to publish, in such manner as the council may indicate, the ordinances and by-laws that may, from time to time, be passed, for which services he shall have such compensation as the council may determine to be right and proper. The said treasurer shall receive and keep all moneys and other funds, belonging to the corporation, and pay out the same on the order of the council, drawn by the mayor and attested by the secretary. The said treasurer shall be required to give bond, with approved security, in such penalty as the council may determine, payable to them and their successors for the benefit of the town, and shall publish a statement of all his receipts and disbursements at the end of each fiscal year. Said treasurer shall collect all taxes due the said town.

Council to elect subordinate officers.

6. The said council shall also, at their first meeting, and every two years thereafter, elect a sergeant, who shall hold office two years, or until his successor is elected and quali-

fied. The said sergeant shall be a conservator of the peace, and in civil cases that may arise within the corporate limits; he shall be vested with all the powers the laws of the state confer upon constables, and his jurisdiction as a police officer shall extend one mile beyond the corporate limits, but not within the corporate limits of the town of Basic City. He shall possess the like rights of distress and powers in collecting corporation taxes, service of process and return thereof, arising under authority of this act, and all laws made in pursuance of it, and shall be entitled to like fees and commissions as are allowed by the laws of the commonwealth, to the collectors and constables thereof, for similar duties and services. Said sergeant shall execute bond, with approved security, in such penalty as the council may deem proper, payable to them and their successors in office, for the benefit of the town, conditioned for the faithful performance of his duties, and payment over to them and their successors of all moneys and funds collected and received by him in virtue of his office. And he and his securities, and his and their executors, and so forth, shall be subject to such proceedings, by motion or otherwise, before the county or circuit court of Augusta county, for the enforcement of the payment of such moneys and funds by him collected, or could have collected, and received as aforesaid, at the suit or motion of said mayor or other person entitled so to do; or said motion may be made to the mayor or council of said town. The said council may, by a two-thirds vote, remove the said sergeant from office for incompetency, misconduct, or negligence of duty, and elect another to fill the unexpired term.

Exempt from
county road
tax.

7. That said town and taxable property and persons therein, shall be exempt and free from the payment of any county road tax or poor rates, and from contributing to any county expenses for any year, in which it shall appear that said town shall, at its own expense, provide for its own poor, and keep the streets and roads in order.

8. That for the purpose of maintaining the police regulations of said town, under the authority of this act, the jurisdiction of the corporate authorities shall be, and the same is hereby, made to extend one mile in a direct line, from the corporation limits, except that it shall only extend to the corporate lines of Basic City, in those directions.

9. That the said council shall appoint, annually, three assessors who shall be freeholders in and electors of said town, and whose duty it shall be, during the month of February in each year, to assess the value of all real estate in the corporate limits; and one of said assessors shall be designated by the council, whose duty it shall be, during the month of February in each year, to assess the

value of all personal property in said town, which assessment, shall form a basis of taxation. The said council shall also have power to levy and collect annually, a tax on all real and personal property so assessed in said town, and on such other subjects as are or may be taxed by the revenue laws of the commonwealth, and also a poll or head tax, and a tax on dogs owned or kept in the corporate limits: provided, however, that said council shall not have the power to levy or collect any tax upon any subject which is assessable by the board of public works. The said council shall have power to require a license to be taken out in any pursuit, calling, business, occupation, profession or other purpose for which the state laws require or may require a license-tax, and also on shows and other public exhibitions within one mile of the corporate limits, but said power shall not extend into the corporate limits of the town of Basic City; this shall not effect the corporate limits of Basic City: provided that the tax on realty and personal property shall not exceed in any one year, seventy-five cents on the one hundred dollars value thereof; that the poll tax shall not exceed fifty cents on each male person over twenty-one years of age and in any one year.

10. The said council shall have authority to impose a special tax or license on all persons doing a regular business in the town and who reside or whose place of business is without the corporate limits: provided such special tax shall not exceed, in any one year, the sum of ten dollars, and that the payment of such special tax, shall not exempt such person or persons from the payment of any regular tax imposed on said business within the corporate limits. A special tax may be levied of one dollar on dogs, and two dollars and fifty cents on bitches. Licenses for doing business.

11. That all persons in pursuit of any trade, calling, occupation, or profession, and residing in the corporate limits on the first day of May of any year, shall be liable to taxation under this act; and all persons entering into any trade or profession, and so forth, after the first day of May in any one year, shall be liable to a pro rata rate of taxation.

12. The said council shall have power and authority to make all necessary provisions to prevent accidents by fire, such as the purchase of fire engines, hooks and ladders, and other fixtures useful for such purpose. They shall have power to provide the town with water, by means of wells, pumps, and water-works, or in any way by them deemed to be for the best interest, comfort and safety of the town, and for such purpose, may levy and collect a water tax, to be imposed on each head of a family or other person using water from the town wells, springs, hydrants and other water fixtures; said water tax to be in May make by-laws for the public weal.

proportion to the amount of water used by each family or person using water from the town wells, hydrants, and so forth, and power to light the town with gas, oil or electricity. They shall have power to provide for the interment of the dead, and to regulate the same. They may also establish a market and make ordinances for the management thereof. They shall have power to open new streets and alleys, and to widen, grade, pave, and improve existing streets, sidewalks, alleys, gutters and bridges, and for such purpose, may levy and collect a special road tax not to exceed fifteen cents on the one hundred dollars value of taxable property. They shall have power to prevent the obstruction of streets, alleys, sidewalks, gutters, and so forth, by the hitching of horses, standing of wagons, or in any way whatever, by imposing a reasonable fine for such offences. They may also punish by fine, the firing of guns or pistols, the setting fire to powder and other combustible or explosive material, the running and fast driving of horses and other animals on the streets and alleys, and all else detrimental to the peace and good order of the town. They shall have power to prescribe rules for the orderly building of houses and their proper location, such as stables, water-closets, hog-pens, cattle sheds, as well as dwellings, stores, and shops. They shall have power to regulate the erection of chimneys, stoves and stove pipes, and to abate and remove all nuisances at the expense of those who occasion them. They shall have power to prohibit all animals except milch cows, from running at large and beyond their owners' premises, and to pass all by-laws and ordinances not contrary to the constitution and laws of the commonwealth and of the United States, which said council may deem necessary for the carrying into effect such powers and privileges as have or may hereafter be vested in them. They shall also have power, before the mayor or acting mayor, to regulate the police, and to enforce all laws, by-laws and ordinances of the said town, by a penalty not exceeding the penalties fixed by the commonwealth for like offences; said penalty or fine to be paid into the corporation fund. They shall have power to amend or repeal any by-law or ordinance, or remit any fine or taxes that may to them seem proper and just. Any ordinance or by-laws may be enforced by fine or imprisonment, or both, or in lieu of fine, by labor in chain-gang, or otherwise, at the discretion of the mayor.

Animals other than cows not to run on highways.

13. For the violation of any police law, other than capital crimes and penitentiary offences, and for the violation of any special law relating to said town, and not enumerated in this act, the said council shall have power to impose fines and collect the same, not to exceed fines imposed by state law for like misdemeanors, and may add to said

May impose fines.

finer, imprisonment or hard labor, not to exceed the punishment imposed by the laws of the commonwealth for like offences, and all such fines shall constitute a part of the corporation fund.

14. The said council shall have power, whenever they may deem it expedient, to have the sidewalks, footways, and gutters along any street or alley in said town, of such width as they may prescribe, properly paved and otherwise suitably improved, altered, or repaired, as they may think fit, at a proper cost to the owners or occupants of the said lands or lots along the front side of which such footways, sidewalks, and so forth, may extend; and to levy and collect for that purpose a special tax on each of such lands or lots, proportioned to the number of feet of the same, which special tax shall be collected as taxes on real and personal property are by this act directed to be collected: provided that before any owner or occupant of any land or lot in said town shall be required to make such pavement at his own proper cost, or a tax levied on the same for such purpose, there shall be on such land or lot a dwelling or business-house not less than will average fifteen feet square; and in all cases where the lessee or tenant shall pay the expense of any such pavement or improvement, the amount of said expense shall be an offset or credit against a like amount of rent due or that may accrue.

May order streets paved.

15. All taxes, whether general or special, assessed upon any property in said town under the provisions of this act, are hereby declared to constitute a lien on such property; and if the sergeant, or other legally authorized collector, has not been able, with due diligence, to collect the same by the first day of December of the year in which the same were assessed, he shall, at the first meeting of the council thereafter, make return, upon oath, of the taxes he has failed to collect, and the property upon which such uncollected taxes were assessed, and thereupon the council shall have the same remedy against the property of said delinquents as this commonwealth has in similar cases.

Taxes to be lien on property.

16. The said council may at any time extend the limits of said town by ordering an election to be held for such purpose in such manner as elections are usually held according to law, except a special registration shall be had, which said registration shall be closed five days before the day of election, and only owners of real estate of the assessed value (for taxation) of five hundred dollars or more within said town and within the limits of the proposed extension, shall be registered. The owner of the life estate shall be preferred to the remainderman. All persons of eighteen years of age and over, male and female, may be electors; and if it appears that two-thirds of the registered voters, under this section, in the said town, and also two-thirds

Limits of town may be extended.

in the said proposed extension, have voted for such extension, then, and not otherwise, said council shall declare the corporation limits extended, and accordingly proceed to make an order, to be recorded on the records of said town and in the clerk's office of Augusta county, establishing such extended limits, and accurately describing the same; but neither the town of Waynesboro' nor the town of Basic City shall have the right to extend their corporate limits into the corporate limits of the other.

Limits of
police juris-
diction

17. The said council shall have power to provide for the order and quiet of the Sabbath; to punish drunkenness, swearing, boisterous and noisy conduct; any interference with religious worship, and any other offence against decency and good morals, by proper penalties; and to prohibit the sale of intoxicating drinks within the corporate limits and one mile thereof: provided that any fine imposed on a minor shall be paid by his parent or guardian: and provided, further, that the prohibition of the sale of intoxicating drink shall not apply to the town of Basic City.

May condemn
land for public
uses.

18. The said council shall have power to take private property for public use: provided, they shall pay a proper compensation for the same. If, however, the owner or owners of such property object, or will not agree to receive a proper price, the said council may proceed to condemn such property, in the manner prescribed by the laws of the commonwealth for condemnation of private property for public use; and for this purpose the mayor's court of said town shall have the same jurisdiction as the county court has for condemning land for road purposes within the county.

19. The said council shall have power to regulate and provide for weighing and measuring hay, wood, coal and other articles sold or for sale in said town.

20. All fines, penalties and amercements, and other moneys, raised and received by virtue of this act, and not otherwise directed to be applied, shall be at the disposal of said council for the benefit of the town. All officers now holding office under this charter shall continue to discharge the duties of their respective offices, until their successors are elected and qualified.

21. The said council have shall power to fix and regulate the compensation and salaries of officers, and the wages paid for hire of teams, labor, and so forth.

22. All acts and parts of sections of any charter for said town, heretofore approved, except special laws relating to said town, and not enumerated in any charter act, are hereby repealed.

May contract
debts and issue
bonds.

23. The council may, in the name of, and for the use of the town, contract loans, or cause to be issued certificates of debt or bonds: provided no such certificates of debts or bonds shall be issued, except by a two-thirds vote of the

council, endorsed by a majority of the freehold votes voting on the question; but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four years: provided, further, that said council shall not contract said loans, or issue such certificates of debt or bonds, for the purpose of subscribing to the stock of any company incorporated for a work of internal improvements or other purposes, without being first authorized so to do, by three-fourths of the freehold voters of the town voting on the question: provided, further, that in no case shall the aggregate debt of the town, at any one time, exceed ten per centum of the assessed value of the property, real and personal, within the town limits: and provided, further, that the said council shall not endorse the bonds of any company whatsoever, without the same authority. All contracts for the erection of public improvements, within the jurisdiction of the town council, shall be let to the lowest responsible bidder; and notice shall be given at least thirty days before the work is finally let, by advertisement in a newspaper published in the town or county, and the party to whom said contract shall be let shall give such bond as the council may require; but in no event shall any contract be let to any member of the town council, nor shall any member have any interest in such contract. The council of said town may, in its discretion, contract with any person or corporation to exempt the property and capital invested, or to be invested, for manufacturing purposes within the corporate limits of Waynesboro' from all corporation taxes for a period of not more than ten years. All taxes and licenses collected in the new addition during the next ten years shall be expended in said new addition, and all taxes collected in the old corporation during the same period shall be expended in the said old corporation. This section shall not be so construed as to prevent the council of said town from issuing certificates of debt for necessary current expenses or for sums of money provided for by annual taxation.

24. It shall not be lawful to sell, barter, or in any way dispose of intoxicating liquors of any kind within the corporate limits of Waynesboro', or within one mile thereof, except that this clause shall not affect, in any way, the charter granted to Basic City, the one mile limit being construed to mean in all directions other than that incorporated as the town of Basic City; nor shall it be lawful to solicit orders, or to receive orders, or to take orders unsolicited, for the sale of liquors of any kind within the corporate limits of Waynesboro', nor shall any seller of liquors receive money, or any other commodity, in payment for any intoxicating liquors within said corporate limits; nor shall it be lawful for any one to keep liquors deposited in any place in said corporation, for sale,

Traffic in sale
of liquors pro-
hibited.

barter or exchange, either directly or indirectly. Any violation of this section shall be deemed a misdemeanor, for which a fine may be imposed of not less than twenty, nor more than five hundred dollars, and in the discretion of the mayor, may be confined in the county jail for not less than ten days nor more than six months. This section, or any other section in this charter, shall not have the effect to repeal chapter seventy-four of the acts of eighteen hundred and eighty-one and eighteen hundred and eighty-two, entitled "an act to authorize the voters of Waynesboro' and vicinity to decide by popular vote, on the propriety of selling intoxicating liquors in certain limits," approved February ninth, eighteen hundred and eighty-two.

Railroad trains,
may regulate
speed of.

25. The council of the town of Waynesboro' may provide, by its ordinances, such rate of speed for railroad trains running through its corporate limits, as may be deemed proper for the safety of citizens and property.

Commencem't.

26. This act shall be in force from its passage.

CHAP. 103.—An ACT to incorporate the Norfolk and Atlantic terminal company.

Approved January 28, 1892.

Corporators.

1. Be it enacted by the general assembly of Virginia, That Joseph T. Allyn, D. Lowenberg, Barton Myers, R. H. Baker, junior, F. M. Killam, and A. W. Cornick, or any five of them, their associates and successors, be, and they are hereby, constituted and made a body politic and corporate, under the name and style of the Norfolk and Atlantic terminal company, and by that name may sue and be sued, and shall have all the rights and powers, and be subject to all the restrictions imposed upon joint stock companies and corporations generally by the statutes of this state, except as hereinafter provided.

Name and
style.

Capital stock.

2. The capital stock of said company shall not be less than twenty-five thousand dollars, nor more than five million dollars, divided into shares of the par value of one hundred dollars each, and the directors may receive stock or bonds of other incorporated companies, in payment of subscription to the capital stock of this company, at such valuation as may be agreed upon.

May acquire
and hold real
estate.

3. The said company may acquire and hold real estate in the county of Norfolk, city of Norfolk, or both, not to exceed in the aggregate the amount of three thousand acres at any one time, and may erect thereon, or any part thereof, roads, streets, wharves, piers, docks, basins, dry-docks, warehouses, elevators, sheds, or any other buildings

May erect on
their lands
streets, roads,
houses, etc.

and improvements, suitable or convenient for its business, or for the accommodation of vessels, boats, barges, or other craft, or for the convenient loading, unloading, shipping, receiving, and storing of all kinds of merchandise, freight, or other personal property, for safe keeping, and may conduct the business usually of warehousemen and wharfingers, and may charge and collect compensation for the storage, dockage, or wharfage, or for all labor incident thereto, whilst in its charge, and for all such charges and expenses the said company shall have a preferred lien on said merchandise or personal property, which shall be paid before the said company shall be required to deliver the same.

4. For convenience of access to said property and its improvements, the said company shall have authority to construct suitable turnpikes or roads from Sewell's Point, in Norfolk county, to the city of Norfolk; and for that purpose, if necessary, it shall have the right to condemn, by legal proceedings, strips of land over which it is proposed to build such roads, not exceeding one hundred feet each, in width; and for that purpose, it shall have the right to construct bridges over Tanner's creek at such points as may be necessary to connect the ends of said roads herein provided for: provided they are constructed with draws therein so as to permit the passage through said creek of such vessels as ply therein. And in order to keep in repair the said turnpikes and draw bridges, the said company shall have the right to charge and collect moderate tolls, such as is charged by other toll-bridge and turnpike companies in the neighborhood.

Turnpikes, etc.

Condemnation
of lands for
roads.

5. The said company shall have the right to construct, equip, and operate one or more railway lines, to be propelled by horse, steam or electric power over said turnpikes or other routes from Sewell's Point, in Norfolk county, over said Tanner's creek to the city of Norfolk, and to connect by branch roads or sidings with other railways or street-car lines running into the city of Norfolk, the said company to use none of the streets of said city without the consent of the city councils and under their regulations, and to acquire, by purchase or condemnation proceedings, such lands as may be necessary to said track roads, or for the buildings and works of said company.

Railroad—may
construct and
operate.

6. The said company shall have the right to lease, sell, mortgage, or otherwise dispose of any real or personal property owned or acquired by it to as full an extent as if it were a natural person, and to issue bonds, securing them by mortgage or deed of trust on its property or franchise.

May lease or
sell its property

7. The said company shall have the right to build, equip, and operate upon its said lands, one or more hotels, and any other buildings necessary or convenient for carrying

Hotels.

on its business or improving its property, and to sell, lease, or mortgage the same if it should become necessary or expedient to do so.

May charter,
build and equip
a steamer.

8. The said company shall have the right to purchase, charter, or to build, equip, and operate a steamer or line of steamers for the purpose of carrying passengers or freight to and from Newport News and Old Point Comfort to Sewell's Point, or from either one of said places, and to charge a reasonable ferriage, fare or freight therefor.

Officers.

9. The officers of the said company shall consist of president, vice-president, secretary, treasurer, five directors, and such other subordinate officers or employees as may be prescribed by its by-laws.

Tenure of the
officers.

10. The terms of these officers, and mode of election of the same shall be as prescribed by the general law of the state. The corporators above named shall have the power and authority of a president, vice-president, and board of directors, for the purposes of organization of said company, and for all other purposes until a president and board of directors shall be elected at a stockholder's meeting, and such meeting shall be held after such notice as the said incorporators may deem proper. The said incorporators may elect one of their number chairman, who shall have all the power and authority of president of said company, and in all matters a majority of said incorporators shall control.

Board of
directors—how
elected.

Principal office.

11. The principal office of said company shall be in the city of Norfolk. The annual meeting of the stockholders of said company shall be held at the principal office of the said company on the first Wednesday in March of each year, unless the stockholders in general meeting shall change the same.

By-laws, etc.

12. The company may prescribe by its by-laws the duties of the different officers.

When it may
organize.

13. As soon as the minimum amount of capital stock allowed shall have been subscribed for and ten per centum thereof paid in cash, the company may organize and commence business.

14. The said company shall have as full power over its property and the mode and terms of disposition thereof as a natural person would have, except where restricted by this act or the laws of the state.

Taxes.

15. This charter is granted upon the express condition that the said corporation will pay all taxes, dues, and demands due the state at any time hereafter in money, and will not tender or pay in coupons satisfaction thereof. And the legislature expressly reserves the right to alter, amend, or repeal the same at any time hereafter.

Commencem't.

16. This act shall be in force from its passage

CHAP. 104.—An ACT to amend and re-enact section 2 of chapter 375, acts 1889-90, incorporating the Pulaski development company, allowing it to increase its capital stock.

Approved January 28, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of chapter three hundred and seventy-five of the acts of the general assembly of Virginia, eighteen hundred and eighty-nine and ninety, entitled an act to incorporate the Pulaski development company, approved February twenty-eighth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 2. The capital stock of said company shall not be less Capital stock. than fifty thousand dollars, and may be increased from time to time to any amount not to exceed two million dollars, by the issue and sale of shares, upon such terms as Issue and sale of shares of stock. the board of directors may prescribe. The par value of each share shall be one hundred dollars. The directors may receive real and personal property suited to the business of the company in payment of subscriptions to the capital stock of the company, at such valuation as may be agreed upon between the directors and subscribers. Certificates of stock shall be issued to the subscribers in Certificates of stock. shares of one hundred dollars, signed by the president, and countersigned by the secretary of the company. Said stock shall be transferable only on the books of the company by the owners, their personal representatives, agent, or attorney, and when so transferred certificates issued in lieu thereof to the person entitled thereto for a like number of shares.

2. The board of directors of said company, by a vote of the majority present, may release the stockholders from the payment of any unpaid stock, such release not to affect the rights of any creditor of the company at the time of the passage of this act. Procedure to release stockholders from liability.

3. This act shall be in force from its passage. Commencem't.

CHAP. 105.—An ACT to authorize the United States government to acquire title and jurisdiction to five acres of land extending to high water mark, on Fisherman's island, in the county of Northampton, for the establishment of a quarantine station.

Approved January 28, 1892.

Whereas the government of the United States desires to acquire title to certain land, known as Fisherman's island or "Luien bar," situated in the county of Northampton, off the point of Cape Charles, between the At- Preamble.

lantic ocean and Chesapeake bay, for the purpose of establishing a quarantine station; therefore,

1. Be it enacted by the general assembly of Virginia, That the consent of this commonwealth be, and is hereby, given to the United States government to acquire title to five acres of land extending to high water mark, so that congress may exercise such authority and jurisdiction over the said island as is within the contemplation of the seventeenth clause of the eighth section of the first article of the constitution of the United States.

2. This state retains concurrent jurisdiction with the United States over the said place or island, so far as it lawfully can consistently with this act, and its courts, magistrates and officers may take such cognizance, execute such process, and discharge other legal functions within the same, as may not be incompatible with the true intent and meaning of this act

3. If the purposes of this grant shall cease, or if there shall be for five years consecutively a failure on the part of the United States to use said place or island for the purpose herein expressed, then the jurisdiction herein granted shall cease.

4. The said place or island, and the buildings and improvements to be erected thereon for the purpose aforesaid, are hereby exempted from all taxes imposed by this state, or by the county of Northampton, so long as the same shall be held and used by the United States, for the purpose hereinbefore mentioned, and no longer.

5. Should the property herein granted be used for any other purposes than that specified herein by the United States government or under its authority, then the same shall be subject to taxation as other property in the State.

6. This act shall be in force from its passage.

CHAP. 106.—An ACT to incorporate the Virginia Dredging company.

Approved January 25, 1892.

1. Be it enacted by the general assembly of Virginia, That W. R. Trigg, Norman V. Randolph, Thomas Ellett, J. C. Brockenbrough, James R. Werth, C. P. E. Burgwyn, George M. Wilson, and such other persons as they may associate with them, and their successors and assigns, be, and they are hereby, made and constituted a body politic and corporate, by the name of the Virginia dredging company, and shall have all the powers, rights, and franchises necessary or proper for the purpose of conducting the business hereinafter described.

2. Any five of the corporators named may organize the Organization. company by electing a president and board of directors; and thereupon the said company shall have and exercise all the general powers, and be subject to the general restrictions provided by the laws of the state as to bodies politic and corporate, except so far as the same are modified by, or are inconsistent with, this act.

3. The said company shall have authority, in the prosecution of its business, which is to dredge material and obstructions from water-ways, to own, build, equip, and operate steam and other boats, dredges, and pile-drivers, lighters, and scows; to rent from other individuals, or other associations, or corporations, such vessels, or to hire to them the vessels, properties, or facilities, used by and belonging to the company hereby incorporated. The company may Purposes of the company. own as much as one hundred acres of land in the country, and as much as five acres in the city of Richmond: May own land. provided that the authority given in this act to the company shall not extend to the dredging of oysters in the waters of this state.

4. The principal office of the company shall be in the Principal office. city of Richmond.

5. The capital stock of this company shall not be less Capital stock. than ten thousand dollars, and may be increased by a two-thirds vote of the subscribers thereto to any amount not exceeding five hundred thousand dollars. The stock is to be divided into shares of the par value of one hundred dollars each. Each share of stock shall be entitled to one vote. The said company may issue and dispose of such stock at such price, and upon such terms and conditions, as may be agreed upon between the board of directors and the subscribers thereto.

6. The board of directors of the said company may, Subscription books. with or without notice, open the books and receive subscriptions to the stock, from time to time, as they may deem expedient until the stock is fully taken; and all subscriptions to the stock of the company shall be payable at such times and places, and in such manner and amounts, as said board of directors may prescribe.

7. It shall be lawful for the said company to receive, May receive subscriptions in several things. in full or part payment of subscriptions to the capital stock of the said company, money, lands, labor, leases, materials, stock, bonds, appliances, or other property or interest therein, or other means deemed available for the purposes, or adapted to the uses of said company, or the proceeds of which, by sale or exchange, may be converted to the uses of said company, and such subscriptions may be received from individuals, or other associations or corporations; and any corporation of this state is hereby authorized to subscribe to the stock of the company hereby incorporated.

Nature of bonds
issued.

8. The board of directors shall have power to issue bonds, either registered or coupon, or convertible, the one with the other, in sums of one hundred dollars, and multiples thereof, and bearing interest not exceeding six per centum per annum; the principal and interest of which shall be payable at such times and places as the board of directors may determine, and may secure the same by one or more mortgages or deeds of trust on the franchises, income and property of the company, real and personal, or such part or parts thereof as may be designated in the mortgages, or deeds of trust, and may sell such bonds at such discount as may be thought best for the benefit of the company.

Taxes.

9. All taxes, dues, and demands due the state, or that may hereafter become due by this company to the state of Virginia, shall be paid in lawful money of the United States, and not in coupons.

Commencem't.

10. This act shall be in force from its passage.

CHAP. 107.—An ACT to amend and re-enact an act entitled an act to make Staunton river a lawful fence from the gap in Smith mountain to Turner's ford, approved March 28, 1871.

Approved January 28, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to make Staunton river a lawful fence from the gap of Smith mountain to Turner's ford, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly, That Staunton river shall be a lawful fence from the point where the same passes through Smith mountain, on the line between the counties of Pittsylvania and Bedford to the Roanoke county line.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 108.—An ACT to incorporate the Old Point villa site company.

Approved January 28, 1892.

Preamble.

Whereas the Old Point villa site company was duly incorporated by an order of the judge of the circuit court of Warwick county, Virginia, entered and recorded as provided by law, on February fifth, eighteen hundred and nine-

ty-one; and whereas said company desires to have its powers enlarged; therefore,

1. Be it enacted by the general assembly of Virginia, That P. T. Woodfin, John A. Curtis, Arthur T. Selden, W. J. Nelms, R. G. Bickford, W. S. Upshur, C. E. Willford, Richard Brown, E. A. Saunders, Wm. H. Curtis, C. B. Nelms, W. T. Ferguson, and Walter H. Taylor, or such of them as may accept the provisions of this act, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Old Point villa site company, and by that name shall be known in law and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended, whether at law or in equity, and may make and have a common seal, and alter and renew the same at pleasure, and shall have, enjoy, and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act, and that all of the acts of the said the Old Point villa site company heretofore done within the scope of its charter, are hereby confirmed and validated.

2. That said company is authorized and empowered to acquire, take, and hold, by purchase or otherwise, any real estate, lands, tenements, personal, or mixed property of any kind or description whatsoever, and to sell and convey the same, and to encumber the same by deed of trust, mortgage, or otherwise, and to lease and accept leases of any real or mixed property. And said company is authorized to lay out and improve such lands, to erect or have erected thereon dwellings, stores, hotels, mills, or other buildings, and to lease, sell, or encumber the same, and to manage and conduct any such hotels, and to establish, own, operate, and conduct any manufacturing enterprises on said lands. And said company shall have authority to construct, or have constructed, equip, and maintain, operate, or lease any railway or railways, upon and from any of its property, to any railroad running through the county of Elizabeth City: provided the railway so to be constructed shall not exceed thirty miles in length. The said company shall have the power to establish a turnpike road from its property to any road leading from its property to Old Point or Hampton: provided the same shall not exceed sixty feet in width; and it may condemn property for this purpose, as now provided for condemnation of lands by railroad companies. And said company is authorized to take and hold stock in any other company or to dispose of its stock to any such company; and any such company is hereby authorized and empowered to take and hold such stock. The said company may own and operate any gas or electric light works.

Corporators.

Name and style.

Powers and privileges.

May purchase real estate and other property.

May erect dwellings, business houses, etc.

Power to construct or lease railways.

Turnpike road and route of same.

Stock in other companies.

Capital stock. 3. The capital stock of said company shall not be less than twenty-five thousand dollars nor more than five hundred thousand dollars, and shall be divided into shares of the par value of fifty dollars each, and certificates of stock shall be issued to the subscribers therefor or purchasers thereof, said certificates to be signed by the president and by the secretary of said company. The said certificates shall be transferable upon the books of the company in person or by attorney in fact. The said stock shall be non-assessable, after fifty per centum of the face value shall have been paid in the manner agreed upon, and the holder or holders of any such stock shall be liable only for the price and upon the terms agreed on for stock subscribed for by them, and no stockholder holding such stock, nor the assignee of any such, shall be liable to any contribution or for any debts, liabilities, or obligations of said company.

Shares of stock.

Stock non-assessable.

Liability of stockholders.

Board of directors. 4. The persons named in this act, or such of them as shall accept the same, shall constitute the board of directors of this company, to manage its business, and shall continue to hold office until the first meeting of stockholders held to elect officers, and until their successors shall be elected and accept, which said election shall occur at an annual meeting of the stockholders, to be held in January, eighteen hundred and ninety-three. The board of directors shall appoint such agents or officers as may be necessary, prescribe their duties, fix their compensation, require of them such bonds, with or without sureties, as they may deem proper, and may suspend or remove such agents or officers at pleasure. The president, first vice-president, second vice-president, secretary, treasurer, and nine directors shall be elected by the stockholders at their annual meeting each year. All vacancies occurring in the board may be filled by said board for the unexpired term of the member whose office is vacated. The directors shall hold office for one year, and thereafter until their successors shall have been elected and have accepted.

Term of office.

Agents and officers.

May increase its capital stock. 5. It shall be lawful for said company to increase its capital stock from time to time, not exceeding the maximum amount named in section three of this act, and to dispose of its capital stock by subscription, or by the issue and sale of shares, under such regulations and at such price and upon such terms as the board of directors shall, from time to time, prescribe; and the board of directors may receive labor, supplies, materials, and other property, real, personal, or mixed, in payment for capital stock, of such valuations as may be agreed upon between the directors and subscribers or purchasers, and to deliver therefor so many paid-up shares of stock as may be agreed upon. And the incorporators herein mentioned, or any one or more of them, may transfer to said company, for

Subscriptions.

so much paid-up stock of said company as may be agreed on amongst themselves, any property, rights, privileges, franchises, contracts, options, or other property of any kind or description whatsoever, owned by them respectively.

6. The board of directors may issue certificates for paid-up stock, non-assessable, and may make sale thereof at such price as may be agreed on by the board of directors, and on payment of such price there shall be no further liability on said purchaser, nor any assignee or transferee, of such stock to said company, its assigns, or creditors. Certificates of paid-up stock.

7. The said company shall have power to advance and loan money on real or personal security, and to borrow money and issue its bonds therefor, bearing interest at not exceeding six per centum per annum, and to secure said bonds by deed of trust or mortgage upon any of its property, real, personal, or mixed. May advance and loan money.

8. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons. Taxes.

9. This act shall be in force from its passage. Commencem't.

CHAP. 109.—An ACT to establish a corporation court for the city of Radford, in Montgomery county.

Approved January 29, 1892.

1. Be it enacted by the general assembly of Virginia, That there shall be, and is hereby established for the city of Radford, in Montgomery county, a corporation or hustings court, to be held by the city judge of said city, on the first Monday in each month, and for a term not to exceed twenty days in each month; but the judge of said court may, from time to time, change the day on which said court is to commence. Term for holding court and duration of term.

2. The said court shall have concurrent original jurisdiction with the circuit court of Montgomery county to hear and determine all cases at law and in chancery, respectively, arising within said city, or within one mile of the corporate limits thereof. Concurrent jurisdiction with circuit court.

3. The said court shall, within the limits aforesaid, have jurisdiction to hear and determine all motions, matters, and things made cognizable by any statute authorized by law to be done by or in the circuit court or corporation courts of the commonwealth. Powers of court.

4. The said court shall, within the limits aforesaid, have the same jurisdiction as the circuit courts, and the same jurisdiction as the county courts over all offences committed within said limits, and shall have such original, concurrent, and appellate jurisdiction conferred by Jurisdiction and powers.

Exclusive jurisdiction. law on the county courts of the commonwealth of all matters arising within said city, or within one mile of the corporation limits of said city, and also such jurisdiction over such offences as is conferred by the general law upon corporation courts. The jurisdiction conferred by this section shall be exclusive of all other courts, except that all indictments, presentments, and informations pending in the county and circuit court of Montgomery county, shall be proceeded with in the courts of said county until the same are finally concluded and ended.

Cases in chancery. 5. The said court shall have exclusive original jurisdiction to hear and determine all cases at law or in chancery, and over all matters and things which may become the subject matters of suits or proceedings in court arising under the charter of said city or other laws relating thereto, and all cases of contested elections in said city.

Powers in vacation. 6. The said court and judge thereof in vacation, shall possess the same jurisdiction and powers, and shall perform the same duties as are vested in and imposed upon other corporation courts and the judges thereof, by any statute relating to corporation courts or by general law.

Concurrent jurisdiction of circuit court. 7. The circuit court of Montgomery county shall continue to have concurrent jurisdiction to hear and determine all cases at law and in chancery, except in such cases, as by the provisions of this act, exclusive jurisdiction is given to the said corporation court. All cases and proceedings at law or in chancery, now pending in said circuit court, shall be proceeded with in said circuit court until the same are finally concluded or ended, unless the same shall be removed to said corporation court by consent of parties in interest.

Salary of judge. 8. The judge of the said corporation court shall receive an annual salary of not less than seven hundred and fifty dollars, nor more than one thousand dollars, to be fixed by the council of the city of Radford, to be paid as provided by law; and the said judge shall qualify by taking the oath required by law within thirty days after he receives his commission, said oath to be taken before any notary public, or any clerk of a court of record.

Juries. 9. The said court and the judge thereof shall have the same jurisdiction and powers, and shall perform the same duties in summoning and impaneling of grand juries and other juries, civil and criminal, as are now by law vested in and imposed on the circuit and corporation courts of this commonwealth and the judges thereof.

The judge to appoint certain officers. 10. It shall be lawful for the judge of the said court, after he is qualified, to appoint a clerk, a commonwealth's attorney, and a sergeant, a commissioner of the revenue, and such other officers as he may be authorized by law to appoint, who shall hold their offices until their successors have been elected and qualified.

11. The said corporation court, or the judge thereof in vacation, shall have general control of the rooms necessary for said court and clerk's offices, and shall have the power to procure such stationery, books, records, furniture and fixtures, as such court or judge may deem necessary and proper, for the use of said court, the same to be paid for on order of the court, out of the treasury of said city, except where otherwise provided.

Rooms for court and clerk's office to be controlled by judge.

12. The said court shall have exclusive original jurisdiction over all matters of probate and record, arising within the limits of said corporation.

Court of record.

13. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

14. This act shall be in force from its passage.

Commencem't.

CHAP. 110.—An ACT to amend and re-enact sections 1 and 4 of the act approved December 10, 1891, entitled an act to empower the board of supervisors of Rockbridge county to make a loan and to issue bonds therefor, for the purpose of erecting a new court-house and clerks' offices for said county, if approved by a majority of the voters voting at an election authorized to be held in the said county.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That sections one and four of the act approved December the tenth, eighteen hundred and ninety-one, entitled an act to empower the board of supervisors of Rockbridge county to make a loan and to issue bonds therefor, for the purpose of erecting a new court-house and clerks' offices for said county, if approved by a majority of the voters voting at an election authorized to be held in said county, approved December the tenth, eighteen hundred and ninety-one, be, and the same are hereby, amended and re-enacted so as to read as follows:

Purposes for which bonds are to be issued.

§ 1. It shall be lawful for the county court of Rockbridge county to make an order requiring the sheriff and judges of election of said county, at a time to be designated in said order, not less than one month from the date thereof, to open polls at all of the voting places in said county to take the sense of the qualified voters of said county upon the question whether the county shall make a loan, of not exceeding forty thousand dollars, to provide the necessary means for erecting a new court-house and clerks' offices for the use of the people of said county. The said court shall cause a copy of said order and a notice of said election to be published for at least three successive weeks before said election in at least one newspaper published

Elections may be ordered.

Notice of election.

Election—how
to be held.

in the county of Rockbridge; and the sheriff of said county shall cause a notice of said election to be given by posting a copy of said notice at each voting place in his county, at least ten days before said election. Said court may, in its discretion, set aside any order entered under this act at any time before the holding of such election; and may, at such time as the court may determine, enter a new order for the holding of such election; and said election shall be thereupon held with like formalities and effect as though it had been conducted and held under the previous order theretofore entered by said court; and the order already entered by said court, setting aside and rescinding its order theretofore entered, directing said election to be held, is hereby declared to be legal. Said election may be hereafter held with the same effect as though said orders had never been entered by said court.

Rate of interest
and denomina-
tion of bonds.

The time the
bonds to run.

§ 4. If a majority of the votes cast at such election in said county shall be ascertained to have been cast in favor of said court-house loan, then it shall be lawful for the board of supervisors of said county to make a loan for the purpose of erecting a new court-house and clerks' offices, or public county building, in said county, in an amount not exceeding forty thousand dollars, and to provide for the payment of the same, as follows: The said board of supervisors may authorize the bonds of the county of Rockbridge to be issued in amount not exceeding sixty thousand dollars, bearing not exceeding six per centum interest per annum, payable semi-annually, at such times and place as may be prescribed by said board; such bonds to be of such form and denominations as may be prescribed by said board, and they may be either coupon or registered; the principal of said bonds to be payable not exceeding forty years after date, as may be prescribed by the board of supervisors, and the bonds to be redeemable at the pleasure of the county of Rockbridge, not less than ten years after the date of such bonds; and the mayor and council of the town of Lexington may stipulate and provide that said bonds shall be exempt from taxation by the town of Lexington. The said bonds shall be signed by the president of the board of supervisors and countersigned by the clerk thereof, and the coupons for interest upon said bonds shall be signed by the treasurer of the county, whose signature may be either lithographed or engraved thereon, with like effect as though actually written by him.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 111.—An ACT to authorize the board of supervisors of Hanover county to increase the salary of the county judge of said county.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, that it shall be lawful for the board of supervisors of the county of Hanover, in their discretion, to increase the salary of the judge of the county court of said county to a sum not exceeding six hundred dollars per annum, which said increased salary shall be paid out of the county levy, as provided by law.

Salary of the judge.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 112.—An ACT to amend and re-enact an act entitled an act to incorporate the Charlottesville and University street railway company.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of the act to incorporate the Charlottesville and University street railway company, approved March thirteenth, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

Name.

§ 2. The capital stock of said company shall not be less than five thousand dollars, nor more than one hundred thousand dollars, divided into shares of fifty dollars each; and said company shall have power to pledge by mortgage, deed of trust or otherwise, their corporate property and franchises to secure any bonds or notes issued by them for the construction or maintenance, or extension of said railway, and the purchase of materials therefor, and of stock and cars, or other property to be used by them.

Capital stock.

May pledge their property by mortgage, etc.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 113.—An ACT to incorporate the Robert M. T. Hunter association.

Approved February 2, 1892.

Whereas it appears to the general assembly of Virginia, That an association has been formed for the purpose of raising, by individual subscription and contribution, a fund to erect, at the city of Richmond, a monument in

Individual fund.

Officers.	memory of Robert M. T. Hunter, and also to provide a suitable place for his remains in connection with and addition to said monument; and, whereas it appears that the said association has been organized with the following officers, to-wit: General Joseph R. Anderson, president; Colonel Frank G. Ruffin, Judge Waller R. Staples, Judge T. R. B. Wright, Major Holmes Conrad, Colonel W. F. Drinkard, General Wm. B. Taliaferro, General Bradley T. Johnson, Rufus B. Merchant, Colonel L. Q. Washington, General Fitzhugh Lee, Joseph Bryan, Honorable Taylor Berry, board of directors; G. Watson James, secretary; Colonel Wm. H. Palmer, Treasurer; any five of whom shall constitute a quorum; now, therefore,
A quorum.	1. Be it enacted by the general assembly of Virginia, That the said Joseph R. Anderson, Frank G. Ruffin, Waller R. Staples, T. R. B. Wright, Holmes Conrad, W. F. Drinkard, Wm. B. Taliaferro, Bradley T. Johnson, Rufus B. Merchant, L. Q. Washington, Fitzhugh Lee, Joseph Bryan, Taylor Berry, G. Watson James, and Wm. H. Palmer, and their successors in office and associates, be, and are hereby, constituted a body politic and corporate, under the name and style of the Robert M. T. Hunter association, and by that name and style shall be subject to all the provisions, and entitled to all the rights, powers, privileges and immunities prescribed by existing laws, in so far as the same are applicable to like corporations and the purposes of said associations, and are not inconsistent with this act.
Corporators.	2. The said association shall have power to provide for representation, in its general meetings and elections of the individual subscribers to the fund raised by subscription; to increase or diminish the number of its officers; to change their designation and prescribe their duties; to appoint collecting agents, and to hold them to a strict accountability; to require of its receiving and disbursing officers bonds, with security, conditioned for the faithful performance of their duties, and to make all needful by-laws and regulations, consistently with the laws of the state, for the management of its property, and the due and orderly conducting of its affairs.
Name and style.	3. It shall be lawful for the said association to raise by individual subscription and contribution, such sum of money as may be necessary, and to acquire by purchase or gift, from authority, a lot in Hollywood cemetery, or some public lot or square within the city of Richmond, as may be agreed upon for the location of the proposed monument, such lot to be held sacred for the purpose of said association as recognized in this act, and such kindred objects as the association may, from time to time, adopt, and which may not be inconsistent with the laws of the state.
Rights and privileges.	to increase or diminish officers and define their duties.
Representation in general meetings.	to appoint collecting agents, and to hold them to a strict accountability;
Increase or diminish officers and define their duties.	to require of its receiving and disbursing officers bonds, with security, conditioned for the faithful performance of their duties, and to make all needful by-laws and regulations, consistently with the laws of the state, for the management of its property, and the due and orderly conducting of its affairs.
Security of officers.	as may be agreed upon for the location of the proposed monument, such lot to be held sacred for the purpose of said association as recognized in this act, and such kindred objects as the association may, from time to time, adopt, and which may not be inconsistent with the laws of the state.
A lot in Hollywood or some place in the city of Richmond.	

4. It shall also be lawful for said association to provide a final resting place for the remains of Robert M. T. Hunter, with the assent of the members of his immediate family, either at the place at which said monument may be erected, or at some other place within the limits of the state, with the privilege of making provision for the interment of other members of his family at the same place as the association may direct.^{Final resting place for R. M. T. Hunter.}

5. If from any cause the said association shall cease to exist, and not be revived within a reasonable time, the property which may be acquired by it, within the state, shall revert to the commonwealth of Virginia, and be held sacred to the purposes for which it shall have been originally acquired.

6. This act shall be in force its passage.

Commencem't

CHAP. 114—An ACT to amend and re-enact the second section of an act approved March 1st, 1886, creating the Baldwin district fair association, enlarging the powers of the association, etc.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of an act passed March first, eighteen hundred and eighty-six, entitled an "act to amend and re-enact sections two and three of an act passed January fifteenth, eighteen hundred and sixty-seven, entitled an act to establish and incorporate the Augusta county fair, as amended by an act approved January twentieth, eighteen hundred and seventy-four, changing the name to the Baldwin Augusta fair," be amended and re-enacted so as to read as follows:^{Name changed.}

§ 2. The directory so appointed shall be a corporation by the name of the Baldwin district fair association, for the purpose of establishing and conducting fairs and other exhibitions of natural and industrial products of Augusta and adjacent counties as a means of developing their resources and promoting enterprise, industry, economy, and thrift among their people, and said directory shall have the express power to buy, hold, and own such real estate as may be deemed necessary and judicious for the purpose of their incorporation, the same not to exceed one hundred acres, and shall have full and express power to encumber the same by mortgage, deed of trust, or otherwise, and to dispose of the same from time to time, in parcels or as a whole, by sale, exchange, or otherwise, as they may deem expedient.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 115.—An ACT to provide for recording the change of trustees in the Staunton perpetual building and loan company.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That when for any cause a new trustee or trustees shall be elected or appointed according to the provisions of the charter of said company and the constitution and by-laws adopted thereunder, such appointment or election shall be duly certified by the secretary of said company to the clerk of any county or corporation in whose office any deed or deeds of trust or mortgage or other lien taken by or given to said company to secure the payment of any money or other things shall be recorded, said clerk or clerks shall record said certificate of appointment or election in the current deed book kept by him in his said office and duly index the same according to law, and thereafter the trustee or trustees so appointed or elected as aforesaid shall be substituted to all the rights, powers, privileges, and charged with all the duties and obligations of any former trustee or trustees of the said company in every and all deed or deeds, conveyance or conveyances, made to such former trustee or trustees as fully and completely as if the said new trustee or trustees had been appointed and substituted in such mode or manner as is by statute law in such cases provided.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 116.—An ACT to make the boundary lines of lots and tracts of land in Pleasant Grove magisterial district, Lunenburg county, a lawful fence.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That the boundary lines of lots and tracts of land within Pleasant Grove magisterial district, Lunenburg county, Virginia, shall be a lawful fence as to all animals mentioned in section twenty hundred and forty-two of the code of Virginia, edition of eighteen hundred and eighty-seven.

Commencem't. 2. This act shall be in force from first day of April, eighteen hundred and ninety-two.

CHAP. 117.—An ACT to incorporate the Virginia land development and transportation company.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That H. R. Garden, J. J. Deery, T. A. Beall, and H. D. Garden, of New York; P. Hevner, of Philadelphia; W. W. Woodward, G. T. Garnett, J. N. Stubbs, and C. M. White, of Virginia, and such other persons as may be associated with them, be, and are hereby, declared a body politic and corporate by the name and style of the Virginia land development and transportation company, and as such shall have perpetual succession, and a common seal, which it may renew and alter at pleasure, and may sue and be sued, plead and be impleaded, contract and be contracted with, and make ordinances, by-laws and regulations, not inconsistent with the provisions of this act, or other laws of this state, or of the United States, for the government of its officers and agents, and the proper conduct of its affairs.

2. The capital stock of the company shall be not less than fifty thousand, nor more than one million of dollars, at the time of its organization, and may be increased at any time thereafter, as hereinafter provided, and shall be divided into shares of one hundred dollars each.

3. Any person or corporation holding or owning lands, may subscribe for stock in said company, payable in land, for which certificates of common stock, full paid and unassessable, may be issued at such price as may be agreed upon, between said company and the party or parties subscribing. It shall be lawful for this company to subscribe to, and hold shares in the capital stock or bonds of any railway company or corporation, whenever the board of directors may consider it to their interest to do so.

4. Any railroad company in this state, authorized by its charter to acquire lands for purposes of internal improvement, sale, or settlement, may lawfully grant and convey such lands, or any portion thereof, to the company hereby incorporated, and receive in payment therefor stock as aforesaid, and hold or dispose of the same as fully as a natural person may now or hereafter lawfully do.

5. This company shall have power to issue a preferred stock to an amount not exceeding one-half of its capital stock, on which it may guarantee dividends not exceeding ten per centum per annum from the general profits of the company, in any year, upon such terms as may be prescribed by the board of directors; but when the profits in any year exceed such guaranteed per centum per annum on the whole amount of stock issued, the holders of preferred and common stock shall share equally in such pro-

fits. Said company shall have power, from time to time, to increase its capital stock to such an amount, and to issue and sell the same at such price as the board of directors may determine.

May borrow money.

6. And the said company shall have power at any time to borrow money, issue its bonds for the same, and to pledge the property, franchises, and rights of the company, by mortgage or otherwise, which may exist at the time of the mortgage or other lien, or be thereafter acquired by said company, for the payment of the same and the interest that may accrue thereon, and the company may sell its bonds at less than par.

Property that may be held.

7. The said company may acquire and hold by purchase, lease, or otherwise, and may, on their own behalf, and for and on behalf of other corporations, own, conduct, manage, operate, and maintain railroads and tramways; and may also sell, lease, or otherwise dispose of any railroads and tramways, which it may own and acquire. And the said company may unite and consolidate with any other corporation upon such terms and conditions, and under such corporate name as may be agreed upon by the stockholders of the consolidating companies respectively, in general meeting, without impairing any of the rights and franchises of either or any of such companies; and any such consolidations so made and entered into shall be, in all respects, lawful, valid, and binding. A counterpart of any such contract or consolidation shall be filed in the office of the secretary of the commonwealth, and a copy thereof certified by such secretary, shall be evidence of the consolidation therein set forth, without any proof of handwriting.

8. In addition to the lands said company may acquire from railroads or other incorporated companies, it may purchase, with its stock, or lease, or otherwise lawfully acquire lands, mines, manufactories, tanneries, saw-mills, lumber yards, mineral and water rights, and other industries, deeds of trust, and bonds and mortgages from other parties, and may settle and plant said lands, and engage in the business of mining and manufacturing, or may sell or convey, lease or mortgage, any or all properties owned by said company, erect buildings and machinery of all kinds necessary to carry on the business, employ laborers, let lands to tenants, act as agent in the purchase, sale, or renting of lands for others, carry on immigration from foreign countries or the other states of the union; and to that end and for purposes of commerce may own, charter, or otherwise employ steamships and other vessels, or such other means of conveyance and transportation by land or water, as it may deem expedient; establish immigrant depots and hospitals for the care, protection, and proper treatment of all persons brought into this state by said company. And it may also be lawful for said com-

pany to take contracts and contract with any other incorporated companies, municipal bodies, or private individuals, for the construction of any and all kinds of work of internal improvement, and for the facilitating and carrying on its business of mining, manufacturing, and developing its properties, may construct railroads from said properties in any direction, to a connection with other railroads and their branches and to and through towns and water courses; not to exceed fifty miles in length in each case.

9. Any other corporation may hold shares of stock or bonds in the said company hereby incorporated, and may exchange their stock or bonds for the same; and the said company may in like manner hold stock or bonds in any other company or corporation in all respects as a natural person.

Shares may be held by other corporations.

10. Said company may lay out and establish on its lands, towns and villages, and dedicate to public uses therein, on such terms as its by-laws may provide, so much land as may be requisite for highways, streets, public gardens, churches, schools, and cemeteries, and hold the title thereof in perpetuity, or grant the same to such towns and villages as to said company may seem best.

May lay out towns.

11. And it is hereby authorized and empowered to erect and construct, and hold, for itself, or to construct as contractor for other corporations and individuals, gas and electric light and power stations, horse, cable or electric railways, and water-works, develop water-power, and construct dams and canals for the same, lay gas, sewer, and water pipes, build cotton presses, elevators, warehouses, wharves, piers, docks and basins, suitable for the accommodation of steamships, vessels and boats, and for the convenient loading, unloading, shipping and receiving of all kinds of merchandise and personal property for safe-keeping, and may conduct the business usually transacted by warehousemen, wharfingers and lightermen, and may charge and collect compensation for the storage, dockage, wharfage and lighterage, and for all labor incident thereto, including the expenses of weighing, insuring, keeping, and delivering, such merchandise or personal property at such rates and on such terms as may be agreed upon between it and its customers, and for any advances made by it on merchandise or property stored or deposited with it for shipment, and for all its charges and expenses incident thereto; the said company shall have a preferred lien on said merchandise or property, which shall be paid before the said company shall be required to deliver the same.

May erect and operate gas and electric light plants.

12. The personal liability of any and every shareholder shall be limited to the amount due and unpaid upon the agreed price for the shares of stock owned and held by such shareholder.

Liability of shareholders.

Shares—how
transferred.

13. Every stockholder not in debt to the company, may at pleasure, by power of attorney or in person, assign his stock and transfer the same on the books of the company, or any part thereof, not being less than a whole share; but no stockholder indebted or liable to the company, shall be permitted to make a transfer, or receive a dividend, until such debt or liability is paid or secured to the satisfaction of the board of directors.

14. In no case are deposits made with the company, or property held in trust or on storage, or the certificates thereto to be held liable for any contract, debt, or undertaking of the company.

Stock may be
received as
cash.

15. Said company in its by-laws may provide for receiving its stock in payment for any land it may sell, at such price as it may fix thereon; and stock thus received may be cancelled and retired or reissued in the purchase of other lands or property, as the interests of the company may make expedient.

Lands—how
much may be
held.

16. After the year nineteen hundred and five, said company shall not own more than fifty thousand acres of land in any one county of the state of Virginia, nor more than twenty-five thousand acres in any county after the year nineteen hundred and twenty.

Organization.

17. For the purpose of organizing said company the persons first named in this act shall constitute its first board of directors until the first meeting of stockholders, when they shall elect a president, frame by-laws for the government of the company, and elect such other officers as may be deemed necessary. Three or more may act and may receive subscriptions to the capital stock of the company at any time and place; and when the sum of twenty thousand dollars is subscribed, they shall convene the stockholders and organize said company. At said meeting one of their number shall preside, and they shall certify said organization on the books of the company, and this certificate, or a copy thereof, duly authenticated by a notary public, shall be received as evidence of the legal organization of said company.

Coupons not to
be used.

18. All taxes which may be assessed against said company shall be paid in lawful money of the United States, and not in coupons.

Commencem't.

19. This act shall be force from its passage.

CHAP. 118.—An ACT to amend and re-enact section 1197 of the code of Virginia in regard to tolls.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section eleven hundred and ninety-seven of the code

of Virginia of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 1197. Tolls on Turnpikes.—Where different rates are not prescribed by law, the following tolls may be received on a section of five miles of a turnpike which has been completed, to-wit: six and a quarter cents upon twenty sheep or hogs, and twelve and a half cents for twenty cattle, and so in proportion for a less or greater number; three cents for a horse, mare, mule, or gelding; ten cents for a two-wheeled riding carriage; twenty cents for a four-wheeled riding carriage; and for a cart or wagon, six and a quarter cents for each animal drawing the same; and for every engine, machine, wagon, or other vehicle, moved or drawn in whole or in part by steam-power, six and a quarter cents for each wheel of every such engine, machine, wagon, or other vehicle moving on the ground; for a fractional part of a section, tolls may be received, bearing the same proportion to the tolls for a full section that the said fractional part bears to such full section.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 119 —An ACT to amend and re-enact section 1 of chapter 58 of the acts of 1887-88 entitled an act to provide for the working and keeping in repair the public roads in the counties of Alleghany, Bath, and Highland, approved February 3d, 1888.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of chapter fifty-eight, acts of eighteen hundred and eighty-seven-eighty-eight, entitled an act to provide for the working and keeping in repair the public roads of Alleghany, Bath, and Highland, approved February third, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 1. That on and after the first day of July, eighteen hundred and eighty-eight, the board of supervisors of the counties of Alleghany, Bath, and Highland shall have original jurisdiction to establish, alter, and build all public roads and bridges in their respective counties; and for this purpose said board shall have all the powers now vested in the county court, and the same proceedings shall be had therein as now required in said court, and all laws applicable to said court shall apply to said boards: provided that any one feeling himself aggrieved by any order of said board, establishing or altering any road or bridge, may appeal to the county court in the same manner that appeals are now allowed from decisions of said board. The said boards of supervisors in their respective

Powers of board.

counties as aforesaid, shall take charge of and have worked and kept in repair all public roads and bridges heretofore and hereafter established within the limits of said counties respectively; and for this purpose the said boards of supervisors are respectively authorized and empowered to levy a road tax, not exceeding in any one year fifteen cents upon the one hundred dollars of assessed taxable values in said counties, and to adopt such regulations as do not conflict with the laws now in force, as may be necessary to secure the proper working of the roads in said counties, and for that purpose said boards may purchase such machinery and tools for the county as they may deem necessary, and let the same to the contractors under this act, on such terms as they may think proper.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 120.—An ACT to amend and re-enact section 3654 of the code of Virginia, regarding articles not exempt from taxes or levies, or road fines, or for their purchase price.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section three thousand six hundred and fifty-four of the code of Virginia, be amended and re-enacted so as to read as follows:

Exemptions—
to what extend

§ 3654. Articles are not exempt from taxes, or levies, or road fines, or for their purchase price.—The exemption under the four preceding sections shall not extend to distress for state, county, or corporation taxes, or levies, or road fines; nor shall the exemptions under sections thirty-six hundred and fifty, thirty-six hundred and fifty-one, and thirty-six hundred and fifty-three, extend to levy or distress for the purchase price of any property therein mentioned.

2. This act shall be in force from its passage.

CHAP. 121.—An ACT to amend section 3 of an act approved February 25, 1890, entitled an act to establish Boards of commissioners of excise and to define their duties and powers.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section three of an act approved February twenty-fifth, eighteen hundred and ninety, entitled an act to establish boards of commissioners of excise, and to define

their duties and powers, be amended and re-enacted so as to read as follows:

§ 3. It shall be the duty of the state board of commis- ^{Excise boards.} sioners of excise to elect for each city of the commonwealth three qualified voters (who shall be residents of the city for which they are chosen), to be known as the board of commissioners of excise for that city, who shall go into office within ten days after their election, having first taken, subscribed, and filed in the clerk's office of the corporation or hustings court, as the case may be, the oath prescribed for county and city officials, said oath to be taken before any person qualified to administer oaths. The members of such city boards shall hold their offices for the term of two years from the date of their appointment and qualification, and until their successors are appointed by said state board and qualified.

2. This act shall be in force from its passage, and shall ^{Commencem't.} apply to the present boards of commissioners of excise for the several cities of the commonwealth, elected under the act of February twenty-fifth, eighteen hundred and ninety, aforesaid.

CHAP. 122.—An ACT to amend and re-enact section 3191 of the code of Virginia, relating to attorneys at law generally.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and ninety-one of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 3191. How a person is licensed to practice law; certain licenses validated.—Any two judges of the courts of this state, except judges of the county and corporation courts, may grant a license in writing to practice law in the courts of this state to any person who, on actual examination by such judges, shall be found by them duly qualified, and who shall produce to them a certificate from the court of the county or corporation in this state where the applicant resides that, to the personal knowledge of the judge of such court, or from the information of credible witnesses testifying on oath before such court, the court is satisfied that the applicant is a person of honest demeanor, and is over twenty-one years of age. All licenses granted or signed by any judge of the supreme court of appeals of this state since the fourteenth day of January, eighteen hundred and sixty-four, shall be as valid as if granted or signed by a judge of a circuit court of this state.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 123.—An ACT to authorize the board of supervisors of Prince William county to increase the salary of the judge of the county court of that county.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of Prince William county to increase the salary of the judge of the county court of the said county to a sum not exceeding five hundred dollars per annum, which sum shall not be reduced during the term of his said office; and such increased salary shall be paid out of the county levy, as provided by law.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 124.—An ACT to incorporate the Richmond, Blackstone and Southern railroad company.

Approved February 2, 1892.

Corporators. 1. Be it enacted by the general assembly of Virginia, That Freeman Epes, R. W. Tuggle, T. M. Dillard, James L. Anderson, Thos. R. Hardaway, J. M. Harris, H. Vaden, of Virginia; and Frank P. Bennett, of Massachusetts, or such of them as may accept the provisions of this act, their associates, successors and assigns, be, and the same are hereby, incorporated a body politic and corporate, under the name and style of the Richmond, Blackstone and Southern railroad company, and as such are empowered to locate, construct, equip and operate a railway, employing steam, electricity or other motive power, commencing at or near the city of Richmond or Manchester, and traversing the streets of said cities, or either of them: provided the consent of the councils of the said cities shall be obtained—the counties of Chesterfield, Amelia and Nottoway to, near, or through the town of Blackstone, thence southward to the North Carolina line, to some point at or near Ridgeway or Henderson, as may hereafter be determined by the stockholders and directors of the Richmond, Blackstone and Southern railroad company.

Route.

Lands—Acre-
age that may be
held.

2. The said company shall have the right to acquire lands along the route of said railway, by donation, purchase, or in any other legal manner, not to exceed two thousand acres, to use, sell, or hold the same.

3. The company may acquire by condemnation, according to the laws of Virginia, the lands required for the necessary stations, depots, and power plants for its opera-

tion, not to exceed two acres at any one point, and the right of way of eighty feet in width for its railway. Said company shall have the right to build bridges over the James river, Appomattox river, and intermediate streams which may be necessary for its railway, and may acquire, by condemnation or purchase, the lands necessary therefor, or to contract with corporations or managers of bridges spanning said streams for the use of such bridges, and with the consent of the city councils of Richmond, Manchester, and the town of Blackstone, may use such streets as may be agreed upon by said councils.

4. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter or renew the same at pleasure, and shall have, possess and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act. Corporate rights.

5. The capital stock of said company shall not be less than fifty thousand dollars, and may from time to time, be increased to any amount not exceeding one million of dollars by issue and sale of shares, preferred or common stock, or both, upon such terms and conditions, and under such regulations as the board of directors shall prescribe, the par value of which shall be one hundred dollars; and the directors may receive cash, labor, material, bonds, stock, real or personal property in payment of subscriptions to the capital stock at such valuation as may be agreed upon between the directors and subscribers, and may make such subscriptions payable in such manner and amounts, at such times as may be agreed upon with the subscribers; and whenever five hundred shares shall have been subscribed, and the sum of ten thousand dollars paid in cash, the subscribers, under the direction of any five of the incorporators hereinbefore named, who shall be subscribers, may organize said company by electing a president and board of directors, and providing for the selection of such other officers as may be necessary for the control and management of the business and affairs of the company, and shall have and exercise all the powers and functions of a corporation under their charter and the laws of the state. Capital stock.

6. It shall be lawful for said company to borrow money, and issue and sell its bonds from time to time, for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal, or mixed, its contracts and privileges, including its franchise to be a corporation, and it May borrow money.

may, as the business of the company shall require, sell, lease, convey, and encumber the same.

May hold stock
of other compa-
nies.

7. It shall be lawful for said company to subscribe to and hold shares in the capital stock of any other railway corporation whose lines may connect therewith, and for any other such corporation to subscribe, guarantee, or hold the stock or bonds of said company.

May build
branch roads.

8. The company is authorized and empowered to locate, construct, equip and operate any lateral or branch roads or tramways not exceeding fifty miles in length which a majority of its stockholders may determine upon, and by such route or routes as may be selected by its board of directors, and said company may connect or unite its road with that of any other company or companies, or consolidate or merge its stock, property and franchises with and into any other company or companies operating or authorize to operate a connecting railway or railways upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging, or consolidating, and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger, or consolidation, or any lease or sale, provided that a copy of every such contract of consolidation and merger be filed in the office of the board of public works.

Operations—
when to com-
mence.

9. The said company shall be required to commence the construction of its railway within two years from July first, eighteen hundred and ninety-two, and complete the same within five years thereafter, otherwise the powers, privileges and franchises hereby granted shall be void.

Principal office.

10. The principal office of said company shall be located in Richmond, Manchester or Blackstone, as may hereafter be determined upon by the stockholders in general meeting assembled.

11. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name, and the president and board of directors of said company may enact such by-laws, rules and regulations for the management of the affairs of said company as they may deem proper and expedient.

Directors must
be shareholders

12. The board of directors shall be stockholders of said company, and shall consist of such number, not less than five, as the stockholders may determine upon, and shall be elected at the stockholders' annual meeting to be held on such days as may be named in the by-laws of the company, and shall continue in office for the term of one year from and after the date of their election and until their successors shall have been elected and accepted the duties of their office, and they shall elect one of their number president, and in case of the death, resignation or

incapacity of any member of the board of directors during his term of office, the said board shall select his successor for the unexpired term.

13. No stockholder in said company shall be held liable or made responsible for a larger or further sum than the amount of unpaid balance due said company for any stock subscribed for by such stockholder. Limitation of liability.

14. Any county, town, or city along the line or at the termini of said railway may, pursuant to the general laws of Virginia, subscribe to the capital stock of said railway company, and the company is authorized to accept the same. Counties, etc., may hold stock.

15. Whenever the corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be imposed by the law upon other corporations or persons exercising like privileges, and all taxes due the commonwealth by said company shall be paid in lawful money of the United States and not in coupons.

16. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves to itself the right to alter or repeal this act at any time hereafter. Commencem't.

CHAP. 125.—An ACT for the relief of M. P. Fulcher, Tobias Phillips, and Beauford Akers.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That M. P. Fulcher, Tobias Phillips, junior, and Beauford Akers, of Floyd county, Virginia, be, and they are hereby, relieved from the payment of a bond executed by them to the commonwealth of Virginia, on the thirteenth of April, eighteen hundred and eighty-six, for the sum of one hundred and twenty dollars and seventy-two cents, payable six months after date, with interest from date, for the hire of one Noah Wade, who was arrested by sheriff of Floyd county under a *capias pro fine* from county court of Montgomery county and hired out under the statute; but the said Fulcher, Phillips and Akers are to pay the costs of a suit now pending against them in the circuit court of Floyd county to recover the amount of said bond. Whom relieved.

2. It is shown that Noah Wade did not perform, and refused to perform, any service under his hiring.

3. That, in pursuance of statute, said parties made affidavit of non-performance of service by said Wade under said hiring, and that a new *capias* was awarded and issued, and said Wade again arrested and lodged in jail.

4. The said Wade sued out a writ of a habeas corpus before the judge of the county court of Floyd county, who heard and determined the case and discharged Wade from custody without notice to either of said Fulcher, Phillips or Akers.

Commencem't. 5. This act shall be in force from its passage.

CHAP. 126.—An ACT to amend and re-enact chapter 586 of acts of assembly 1889-'90, page 945, to compensate school trustees other than clerks of district school boards in the county of Shenandoah.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That chapter five hundred and eighty-six of acts of assembly eighteen hundred and eighty-nine-ninety, page nine hundred and forty-five, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 1. That the district school boards of the counties of Prince William, Page, Fluvanna and Shenandoah may, in their discretion, compensate the school trustees of their respective districts, other than the clerks of district school boards, at the rate of one dollar per day for services rendered within their districts, payable from the district school fund: provided that no trustee as aforesaid, shall receive more than six dollars in one year for services rendered on district account.

Compensation.

§ 2. That county school boards of said counties may, in their discretion, compensate school trustees, other than clerks of district boards, at the rate of two dollars per day for actual attendance on meetings of county school board, payable from the county school fund: provided that no trustee as aforesaid, shall receive more than five dollars in one year for services rendered on county school board.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 127.—An ACT authorizing the auditor of public accounts to pay a reward offered by the governor of this state to S. W. Wax for the arrest of Jack Ramey.

Approved February 2, 1892.

Whereas, on the nineteenth day of December, eighteen hundred and eighty-nine, his excellency Fitzhugh Lee, governor of Virginia, offered a reward of two hundred

dollars for the arrest and conviction of Jack Ramey, Preamble, charged, in the county of Scott, with the murder of H. J. Moore; and whereas, in the attempt to make said arrest the said Jack Ramey was killed and there could be no conviction, one of the conditions of said reward, and the same not having been paid; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized and instructed to draw his warrant on the treasurer of the commonwealth for the sum of two hundred dollars, payable to S. W. Wax out of any money in the treasury not otherwise appropriated. ^{Sum paid to S. W. Wax.}

2. This act shall be in force from its passage.

CHAP. 128.—An ACT to incorporate the Baltimore, Richmond and Southern railroad company.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That John G. Slater, T. F. Minor, J. L. Barbour, Witcher Jones, T. E. Roessle, Sydney J. Dudley, I. G. Ashby, and Charles W. Turner, or any five of them who may accept the provisions of this act, their associates and successors, are hereby constituted a body politic and corporate by the name of the Baltimore, Richmond and Southern railroad company, and as such may have all the privileges, franchises, and immunities applicable to such a corporation. ^{Corporators.}

2. The said company may construct and operate a standard gauge railroad, either of a single or double-track, commencing at a point on the Potomac river in the counties of Westmoreland or Northumberland to the city of Richmond, by the most practicable route, passing through the counties of Richmond, Essex, Middlesex, King and Queen, King William, Hanover, and Henrico, or any of them; thence to the city of Petersburg and to the southern boundary line of Virginia, passing through the counties of Chesterfield, Prince George, Dinwiddie, Amelia, Nottoway, Sussex, Lunenburg, Greensville, Brunswick, and Mecklenburg, or any of them. The said railroad may pass through the cities of Richmond and Petersburg by means of a tunnel or otherwise, by and with the consent of the city council or councils of said city or cities being first obtained. The company incorporated by this act shall not have the right to build any branch lines from any point on its road north of the city of Richmond, except to a point in the county of Northumberland or on the Chesapeake bay. ^{Route.} Section eleven hundred and eighty-nine of

Limitations of
amendment of
code.

the code of Virginia as amended by act approved May twenty-seventh, eighteen hundred and eighty-seven, shall not apply to this act, except to such branch as it may construct from any point of its line east of a line drawn between Richmond and the northernmost point of Westmoreland county, or any portion of its road south of the city of Richmond; nor shall said company, nor any successor of it, by virtue of its purchase of the rights and franchises of any other company, acquire the right to construct branch lines of greater length than ten miles, nor any branch line, except as in accordance with the provisions of this act. The said Baltimore, Richmond and Southern railroad company may acquire, by purchase, lease, consolidation, or merger, the rights, privileges, and franchises of the Virginia and Carolina and the Richmond and Chesapeake railroad companies, or either of them, on such terms and conditions as a majority of the stockholders of said railroad companies, or either of them, may agree upon: provided that as a condition precedent to such acquisition, the said Baltimore, Richmond and Southern railroad company shall assume, pay off, and discharge all of the outstanding debts and obligations of the railroad company whose rights and franchises they may acquire.

May construct
bridges and
cross other
roads.

3. The said company shall have the right to construct and maintain all necessary bridges across all rivers and streams over which said railroad will pass, provided said bridges shall be constructed with proper draws, so as not to obstruct navigation.

4. The capital stock of said company shall not be less than one hundred thousand dollars nor more than five million dollars, except as hereinafter provided, divided into shares of one hundred dollars each. The stockholders shall have a right to increase said capital stock beyond the said five million dollars, but not to exceed fifteen million dollars by a two-thirds vote in a general meeting of stockholders. Stockholders shall be entitled to one vote for each share of stock.

May borrow
money.

5. It shall be lawful for said company to borrow money, to issue bonds and other evidences of debt, and to secure the payment of the same by one or more mortgages or deeds of trust on its properties, rights and franchise, or any part thereof.

Principal office.

6. The said corporation shall have its principal office in Virginia, and may have a general office in such place without the state as the stockholders may designate.

May acquire
other than
competing
lines.

7. The said company may acquire by contract, lease, purchase or consolidation, the property and franchise of any connecting company which is not a parallel or competing line, upon such terms as may be mutually agreed upon; it shall have the power and right in like manner to transfer its franchises and property by sale, lease, or

consolidation to any connecting company which is not a parallel or competing line.

8. The said road shall be commenced in two years and completed in five years from the passage of this act.

9. All taxes due the commonwealth by said company, shall be paid in lawful money of the United States, and not in coupons.

10. The general assembly reserves the power to amend, alter, or repeal this charter at its pleasure.

11. This act shall be in force from its passage.

Commencem't.

CHAP. 129.—An ACT to incorporate the Crystal Spring street railway company, and to make valid the acts of said company under a charter heretofore granted to it by the judge of the hustings court of the city of Roanoke.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That E. H. Stewart, S. W. Jamison, S. B. Haupt, J. H. Sands and A. S. Asbury, and their associates and successors, be, and are hereby, constituted a body corporate, under the name and style of "Crystal Spring street railway company."

Corporators.

2. The said company shall have full power and authority to construct, equip, maintain and operate a street railway along the streets of the city of Roanoke, with the consent of the common council of said city, and to any point within the county of Roanoke, with the consent of the county court thereof.

May operate street railway.

3. It shall be lawful for said company to transport passengers, freight, and baggage over the line of their railway, and to collect fares and tolls for the same, and may use horse, steam, or electrical power to propel the cars upon its road.

May act as carriers and collect tolls.

4. The capital stock of said company shall not be less than ten thousand dollars, nor more than one hundred thousand dollars, divided into shares of one hundred dollars each.

5. The said company may acquire and own real estate not to exceed one hundred acres, and shall always have its principal office in the city of Roanoke.

6. The said company shall have power and authority to sell or lease its road, machinery, and plant, and to borrow money for the use of the corporation, and to secure such loans by deed of trust or mortgage on all or a part of its estate, franchise, or income.

May lease plant

7. The following named persons shall constitute the board of directors, and until their successors are elected by

Directors.

the stockholders, shall manage the affairs of the company : E. H. Stewart, S. W. Jamison, S. B. Haupt, J. H. Sands and A. S. Asbury.

Circuit court
charter made
valid.

8. And whereas a charter of incorporation was granted to the above named incorporators hereinbefore named, by the judge of the hustings court of the city of Roanoke, on the fourteenth day of May, eighteen hundred and ninety, under the same name, for the same purposes, and to the same effect as is granted by the foregoing sections of this act; and whereas some doubts have been suggested as to whether the judge of said court had the power to grant said charter; now, therefore, for the purpose of settling such doubts, and to cure all defects in the proceedings and transactions of said company—

9. Be it enacted by the general assembly of Virginia, That all acts, proceedings, transactions, contracts and agreements done and entered into by the aforesaid parties in the name of the Crystal Spring street railway company, and all titles and rights of every kind whatsoever by said company under its charter not otherwise illegal or inconsistent with the laws of this state, from and after the said fourteenth day of May, eighteen hundred and ninety, shall be held and taken to be and to have been from the date aforesaid of the same force, virtue and effect in all respects as if said charter was clearly and in every respect certainly valid, and no doubt had ever been suggested as to the lawful authority thereof and as if the said charter had originally been granted by an act of assembly of this state.

Coupons not to
be used.

10. This charter is granted upon the condition that the company aforesaid shall pay all its taxes, levies and dues due to the state, or which may hereafter be assessed against it, in lawful money of the United States, and not in coupons.

Commencem't.

11. This act shall be in force from its passage.

CHAP. 130.—An ACT to incorporate Tazewell street railway company.

Approved February 2, 1892.

Corporators.

1. Be it enacted by the general assembly of Virginia, That C. A. Fudge, A. J. Tynes, Geo. W. Gillespie, A. J. May, J. P. Kroll, and such others as may hereafter be associated with them, be, and they are hereby, constituted a body corporate under the name and style of Tazewell street railway company.

2. The said corporation by said name shall have continuous succession, and in that name shall sue and be sued, plead and be impleaded unto, in any court of law or equity in this state or elsewhere where their rights may come into question; may have and use a common seal, and the same use, renew and destroy at pleasure; and may make, alter, and repeal such by-laws governing its own members, officers, agents, employees, attorneys, or persons dealing or having any business with it as it considers proper, and as are not in conflict with the general laws of the state. And said corporation may acquire, purchase, accept, hold, enjoy and convey any property, real, personal or mixed, that may be necessary or profitable for the purposes of its corporation, or which it may acquire in the progress of its business. It shall have power to fix its rates of toll for the transportation of persons or property, and collect the same, and in general shall have all such powers, privileges, rights and franchises as may be necessary to accomplish and carry on the purposes of its incorporation.

3. The said company shall have power and authority to construct, equip, maintain and operate a street railway, from Tazewell station, on the Clinch Valley division of the Norfolk and Western railroad, to and into the town of Jeffersonville, in Tazewell county, and along the streets of said town, with the consent of the council of said town, and to any point in the county of Tazewell, within five miles of said town, with the consent of the board of supervisors and the county court of said county.

4. It shall be lawful for said corporation to use horse, mule, steam, electric or cable power, as to it shall seem best, to transport passengers, freights and baggage over its line of railway. Motive power.

5. The capital stock of said company shall not be less than eight thousand dollars, nor more than one hundred thousand dollars, to be divided into shares of fifty dollars each. Capital.

6. The principal office of said company shall be located in the town of Jeffersonville.

7. The company shall have the power and authority to lease its road, motive power, rolling stock and other property, and to borrow money for the use of the company, and may secure the same by bonds and by one or more deeds of trusts upon all or any part of its estate, franchises or income. May lease property.

8. The incorporators hereinbefore named shall constitute the first board of directors of said company, and until their successors are elected by the stockholders of said company, shall manage the affairs of said company, and elect a president, treasurer and such other officers as may be necessary.

9. Said company, by its acceptance of this charter, hereby agrees to pay all taxes, dues and demands due the state in lawful money of the United States and not in coupons.

Commencem't. 10. This act shall be in force from its passage.

CHAP. 131.—An ACT to incorporate the Southwest Virginia central railroad company.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That H. D. Ribble, Charles Kanode, N. R. Stanger, Robert Kirkwood, Ambrose Robinson, J. L. Radford, R. H. Adams, James W. Marshall, A. L. Boulware, Decatur Axtell and William H. Palmer, or such of them as may accept the provisions of this act, their associates, successors and assigns, be and they are hereby incorporated and made a body politic and corporate under the name and style of the Southwest Virginia central railroad company, and by that name shall be known in law, and as such are authorized and empowered to survey, locate, construct, equip and operate a line of railroad of narrow or standard gauge from some point at or near the mouth of Craig's creek, in the county of Botetourt, or at or near New Castle, in the county of Craig, connecting with the Chesapeake and Ohio railroad at either or all of said places, or any place below the mouth of Craig's creek, in Botetourt county, as they may deem proper; said line to pass through any or all of the counties of Craig, Botetourt, Roanoke, Montgomery and Pulaski, connecting with the Norfolk and Western railroad at some point at or near the city of Radford, in either of the counties of Pulaski or Montgomery, by such route as may seem most suitable to the directors of said company.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts, whether in law or equity, and may make and have a common seal, and alter or renew the same at pleasure, and shall have and possess and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act.

3. The capital stock of said company shall not be less than three hundred thousand dollars, to be divided into shares, the par value of which shall be one hundred dollars each, and may, from time to time, with the consent of a majority of the stockholders, be increased to an amount

requisite for the purposes of said company, from time to time, under such regulations as the board of directors of said company shall from time to time prescribe; and the directors may receive cash, labor, material, real and personal property, suited to the business of said company, in payment of subscriptions to the capital stock, at such valuations as may be agreed upon between the directors and subscribers, and may make such subscriptions payable in such manner or amounts, at such times as may be agreed upon with the subscribers.

4. It shall be lawful for the company to acquire, by donations or purchase, land for right of way, depots, stations, and other purposes necessary for the successful construction and operation of its road through any of the counties where it is authorized to construct its line of road. May acquire and hold land.

5. It shall be lawful for said company to borrow money or issue and sell its bonds from time to time for such sums and on such terms as the board of directors may deem expedient and proper, and to secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, railroads, and franchises. May borrow money and secure investments.

6. The said corporation is authorized and empowered, by such route or routes as it may select, to survey, to locate, construct, equip, and operate such lateral or branch roads (or extensions) as may be necessary for the accommodation of the public, and to bring out coal, iron, and other ores, building stone, marble, timber, and agricultural products from the counties of Craig, Botetourt, Roanoke, Giles, Montgomery, and Pulaski, and any adjoining county, or to connect with any other railroad that is now or may hereafter be constructed in or to said counties. May build and operate branch roads.

7. The said company may acquire by condemnation according to the laws of Virginia, the lands required for the right of way of its railroads and the necessary stations and depots for its operations, and may connect or unite its railroad with that of any other railroad company, now or hereafter constructed, in or to any of the counties hereinbefore mentioned, or consolidate or merge its stock, property and franchises with those of any other company operating or authorized to operate a connecting line of railroad, not a competing line, or sell its line of railroad to such company upon such terms as may be agreed upon by the board of directors of the companies so uniting or consolidating: and for that purpose, power is hereby given to it, and to such other company or companies, to make and carry out such contracts as will facilitate and consummate such connection, merger, or consolidation or sale: provided that a copy of every such contract or consolidation and merger or sale, be filed in the office of the board of public works.

Construction—
when to com-
mence.

8. The said company shall be required to commence the construction of said railroad within two years from the first of March, eighteen hundred and ninety-two, and to complete the construction of the main line within five years thereafter, or otherwise the powers, privileges and franchises hereby granted shall be annulled and become void.

Organization.

9. The persons first named in this act, or such of them as shall accept the provisions thereof, shall have power and authority of a president and board of directors for the purpose of organizing and all other purposes. They shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. Each stockholder in the company, or his proxies, shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name.

Directors shall
be stockholders

10. The board of directors shall be stockholders of said company. They shall appoint one of their number president, and may fill any vacancies that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever twenty thousand dollars of the capital stock shall have been subscribed, and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of business.

11. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located in this state.

12. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

Commence-
ment and limi-
tation.

13. This act shall be in force from its passage, but the general assembly of the state of Virginia, reserves to itself the right to modify, alter, or repeal this act at any time hereafter.

CHAP. 132 —An ACT extending the time for commencing the construction of the Radford and Little River railroad company, and completing its main line.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section eight of chapter five hundred and eighty-one of the private acts of the session of eighteen hundred and eighty-nine and eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 8. The said company shall be required to commence the construction of the said railroad within two years from the first day of March, eighteen hundred and ninety-two, and to complete the construction of the main line within five years thereafter, or otherwise the powers, privileges, and franchises hereby granted, shall be annulled and become void.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 133.—An ACT to amend the third section of an act incorporating the Plummer memorial female college of Wytheville, approved February 7th, 1884.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section three of an act approved February seventh, eighteen hundred and eighty-four, entitled an act to incorporate the Plummer memorial female college of Wytheville, Virginia, be amended and re-enacted so as to read as follows:

§ 3. The board of trustees shall have power to mortgage or otherwise encumber the real estate belonging to said institution or to lease the same for any period of time that they may think best.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 134.—An ACT to incorporate the Berkeley collegiate institute.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That W. B. Loving, L. B. Allen, C. W. Rockefeller, Charles Bliven, E. M. Tilley, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby, constituted a body corporate by the name and style of the trustees of the Berkeley collegiate institute, for the purpose of conducting a high seminary of learning at Berkeley, in the county of Norfolk, to be known as the Berkeley collegiate institute, and shall have perpetual succession and a common seal, sue and be sued, plead and be impleaded; the corporation at no time to consist of less than five nor more than fifteen persons.

Corporators.

Name and style.

2. The said corporation shall have power to acquire by purchase, gift, devise, or bequest, property, real and personal, and may hold, manage, control, sell, convey, or dis-

Acquisition of lands.

pose of said property solely for the benefit of the Berkeley collegiate institute: provided the value thereof shall not exceed at any time one hundred thousand dollars; and provided further, that a majority of all the trustees shall vote affirmatively on any proposition for the mortgage or sale of said real estate or any part of the same.

By-laws.

3. The said corporation shall have power to make and adopt, alter, or amend by-laws, rules and regulations not contrary to the laws of this commonwealth, for the admission and expulsion of members and for the government of said the Berkeley collegiate institute; may appoint professors and other officers and prescribe their duties and their remuneration, and confer literary titles and honors.

Commencement.

4. This act shall be in force from its passage.

CHAP. 135.—An ACT to incorporate the Trustees of the funds of the Protestant Episcopal church in the diocese of Virginia.

Approved February 2, 1892.

Preamble.

Whereas the members of the Protestant Episcopal church, in the commonwealth of Virginia, have raised and contributed certain funds for the support of their disabled clergy, the widows and orphans of their deceased clergy, and the episcopate of said church within this commonwealth; and whereas in order to successfully administer the said funds and such additions thereto as may hereafter accrue or be made, it is needful to create a corporation which shall receive, hold, and administer the same; now, therefore,

Corporators.

1. Be it enacted by the general assembly of Virginia, That Right Reverend F. M. Whittle, Reverend C. J. Gibson, D. D., Reverend T. G. Dashiell, D. D., Reverend D. F. Sprigg, D. D., Reverend J. B. Funsten, Messrs. Charles E. Whitlock, Joseph Bryan, E. B. Addison, B. J. Barbour, John F. Glenn, Cyrus Bossieux, F. H. McGuire, William H. Palmer, Arthur Herbert and Charles R. Hooff, and their successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the Trustees of the funds of the Protestant Episcopal church in the diocese of Virginia, and by that name shall have perpetual succession, and a common seal, and may sue and be sued, with power to take, receive and hold to themselves and their successors, subscriptions, gifts, and contributions for the purpose of providing for the disabled clergy, the widows and orphans of the deceased clergy, the support of the episcopate, and for any other charitable purpose of said church in said diocese, and the same

Name and style.

Purposes of corporation.

to invest, hold, distribute, and apply for the purposes aforesaid, but subject to the control of the council of the said Protestant Episcopal church in the diocese of Virginia, as it shall be from time to time constituted: provided that the value of the property so held, shall not exceed at any one time, for each of said funds, the sum of five hundred thousand dollars.

2. That the said trustees and their successors shall have power to appoint from their number such officers and committees (under such rules and by such means as they may adopt) as shall be necessary and proper for the due management, control, and administration of the funds and other property committed to the said corporation for the purposes aforesaid, and may invest the said officers and committees with such powers as the said corporation shall deem best adapted to accomplish the objects and purposes of this act. Officers.

3. That the said trustees shall have power to make and establish from time to time such by-laws and regulations, not contrary to the direction of the said council, the laws of this commonwealth or of the United States, as they may deem proper for the management of said corporation and best fitted to accomplish its objects and purposes; and a majority of the said board of trustees shall constitute a quorum for the transaction of business. By-laws and regulations.

4. That the said trustees shall have power to fill any vacancy which may occur in their body arising from death, resignation, inability or refusal to act, removal from this commonwealth, or other cause declared by the by-laws sufficient to create a vacancy: provided that such vacancy shall be filled by the selection of one of two or more persons nominated therefor by the said council: and provided that in case no such nomination be made by said council at its next meeting after receiving notice of such vacancy, then said trustees may fill such vacancy; and upon any successor elected under the provisions of this act, shall be conferred the same powers and imposed the same duties as if his name had been mentioned as one of the incorporators herein. Vacancies.

5. That the said trustees shall submit, annually, to the said council a full statement and report of the funds in their hands or under their charge, and of their transactions during the past year. Annual report of its finances.

6. This act shall be in force from its passage. Commencem't.

CHAP. 186.—An ACT to incorporate the Norfolk and Camden railroad.

Approved February 2, 1892.

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| Corporators. | 1. Be it enacted by the general assembly of Virginia, That E. A. Buell, T. H. Synon, F. J. Stowe, S. D. Puller and Joseph T. Tunis, and their associates, successors and assigns be, and they are hereby, declared to be a body corporate and politic, by the name of the Norfolk and Camden railroad, and by that name and style are vested with all the rights, powers and privileges conferred and made subject to all regulations and general laws applicable to bodies politic and corporate in the state of Virginia not inconsistent with this act. |
| Name and style. | |
| Capital stock. | 2. The capital stock of the said company shall not be less than fifteen thousand dollars, and not more than one hundred thousand dollars, divided into shares of the par value of one hundred dollars each. The above named incorporators, or any three of them, are hereby created a commission, and authorized to receive subscriptions for stock, and for this purpose may open subscription books in such manner as they may deem necessary, and keep the same open until the minimum amount named shall have been subscribed. Thereafter, within their discretion, they may call a meeting of the subscribing stockholders and proceed to organize the company. From time to time thereafter the capital stock may be increased until the maximum amount named shall have been issued. |
| Par value of shares. | |
| When may organize. | |
| Terminal points of road and route. | 3. The said company shall have the right to locate, construct, equip, maintain and operate a railroad from some suitable point on the southern branch of the Elizabeth river, in the county of Norfolk, Virginia, southwardly by the most advantageous, expedient and practicable route to some suitable and convenient point in the said county of Norfolk on the boundary line between the state of Virginia and the state of North Carolina, or to such intermediate point as may be expedient. |
| May cross navigable streams under certain conditions. | 4. The said company shall have the right to cross any navigable stream in its route, provided a draw sufficient not to impede navigation is placed in each of its bridges over such streams; it may build branch tracks of ten miles in length each, or less, through such routes as said company may deem necessary for the successful operation of its road; and the said company shall have the right (subject to the general provisions of the code of Virginia of eighteen hundred and eighty-seven, and the general acts in amendment thereof) to cross at grade, over or under, intersect, join, or unite its railroad with any other railroad now built or constructed, or hereafter to be built or constructed, at any point on its route, upon the grounds of |

such railroad company, with necessary turnouts, sidings, switches, and other conveniences in furtherance of the object of its construction; the terms of said crossing, intersection, or union to be agreed upon by this company, and the railroad company to be crossed, intersected, or united with.

5. The said company shall have the right to construct all wharves, docks, piers, warehouses and other terminal accessories which may be necessary for the conduct of its business, and shall have the right to acquire and hold, by lease or purchase, timber lands along the line of its road, not to exceed five thousand acres at any one time; to sell lumber from said lands, and to operate such mills as are necessary to prepare such lumber for market.

May construct wharves, docks, etc.

May hold timber lands, etc.

6. It shall be lawful for said company to acquire in subscription to the capital stock of said company, or by donation, money, land, or other damages, labor, work, material, bonds, stock of other corporations, and other means available for that purpose; and to receive subscriptions from individuals, other companies, associations, or corporations: provided that the corporations chartered under the laws of Virginia, and doing business within this commonwealth, shall not be allowed to make such subscriptions, unless their respective charters permit such subscriptions to be made; and the said company may sell, lease, or otherwise dispose of any lands or properties acquired under this section.

Subscriptions to capital stock.

7. The said company shall have the right to acquire by purchase, condemnation, or otherwise, the lands necessary for its tracks, or the right of way over such lands, and in addition, may acquire such other lands and hold the same as are necessary for the proper conduct of its road. The said company shall have power to borrow money to such an amount as may be deemed necessary by its officers, from time to time, and may secure such loans as it may make, by one or more deeds of trust upon its real and personal property, or upon any portion of the same.

May borrow money.

8. The corporators herein named shall have the power and authority of a president and board of directors for the purpose of organization of said company, and upon the organization of said company, the stockholders of the same may choose such officers of the said company, give them such powers, and enact such by-laws as they may deem proper, subject, however, to the provisions of the general law.

Corporators herein named to be first officers.

9. The said company shall commence work under this act within four months, and complete the same within three years from the passage of this act, otherwise this act shall be null and void.

Time in which to commence work.

10. This charter shall be at all times hereafter subject to amendment or repeal at the pleasure of the general

Subject to amendment or repeal.

assembly; and it is agreed that said company takes and accepts this charter of incorporation upon the express understanding and condition that the said company will pay all taxes, dues and demands due the state of Virginia, at any time hereafter in lawful money of the United States, and will not tender or pay coupons therefor.

Taxes.

Commencem't. 11. This act shall be in force from its passage.

CHAP. 137.—An ACT extending the time for commencing the construction of the Berlin and Lovettsville bridge.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section eleven of chapter one hundred and fifty-three of an act approved February third, eighteen hundred and ninety, entitled "an act to incorporate the Berlin and Lovettsville bridge company, et cetera," be amended and re-enacted so as to read as follows:

Time extended § 11. The construction of the bridge herein mentioned, shall be commenced within five years and completed within seven years, or this act shall be void.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 138.—JOINT RESOLUTION in regard to lighting the capitol building and the governor's mansion.

Approved February 2, 1892.

Preamble. Whereas it is deemed expedient to remove the electric light wires from the top of the capitol building; therefore,

1. Be it resolved by the house of delegates (the senate concurring), That the superintendent of public buildings be, and he is hereby, authorized to contract for lighting the capitol building and the governor's mansion by electric light with the Richmond railway and electric company: provided said company shall agree to remove all wires from the top of the capitol building and enter them all from the ground, without any cost to the state for making said change: and provided, further, that said Richmond railway and electric company shall agree to use the most improved safeguards in arranging their wires in said buildings; and if required by the said superintendent, the said company shall further agree to bind itself to arrange all of its wires and fixtures in strict conformity with the requirements of the board of

Company to be contracted with.

underwriters of New York as they now exist, or as they may be amended hereafter. The said superintendent of public buildings shall have power to cancel the contract between the state and the said Richmond railway and electric company at any time when, in his judgment, the said company shall have failed to conform to the requirements of this resolution by giving the said company ten days' notice. The superintendent is further instructed to make this resolution a part of the contract between the state and said company, and the attorney-general is requested to assist the superintendent in making said contract.

2. Resolved further, That this resolution shall not be considered binding on the superintendent should the said company attempt to make exorbitant charges for its light, in which event the superintendent of public buildings shall have power to contract for light where, in his judgment, he can do so most advantageously to the state.

May patronize other companies in case of extortion.

3. This resolution shall be in force from its passage. Commencem't.

CHAP. 139.—An ACT to incorporate the trustees of Trinity lodge, No. 497, independent order of good templars, of Richmond, Virginia.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That Julius A. Hobson, Joseph H. Shepherd, H. C. Glenn, Robert Whittet, junior, Mrs. A. J. Pyle, Mrs. L. E. Rodgers, J. R. Miller, Hugh D. Shepherd, and George W. Hawxhurst, and their successors, be, and they are hereby, made a body politic and corporate by the name and style of the trustees of Trinity lodge, number four hundred and ninety-seven, independent order of good templars, of Richmond, Virginia, and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, may acquire, receive, hold, possess, and enjoy, and may rent, sell, convey, and otherwise manage or dispose of all land, money or other property, real or personal, which may hereafter be given to or otherwise acquired by them for the use of the said lodge of good templars, and the said trustees shall hold their office only so long as they remain members of the said order: provided, that the amount of land held by them shall not exceed one acre; and provided, that the sum of money acquired by them shall not exceed two hundred and fifty thousand dollars.

Corporators.

2. The said lodge, at any meetings called by the lodge deputy for this purpose, shall have power to fill all vacancies in the board of trustees, the persons to fill such

vacancies to be chosen from the membership of the said order.

3. Whenever said lodge shall surrender its charter to the grand lodge of independent order of good templars, of Virginia, or from any other cause shall cease to exist, the said trustees, or a majority of them, shall have authority to convey the land and other property, held by them, for the use of the said lodge to the grand lodge of independent order of good templars, of Virginia, or in case the said grand lodge of independent order of good templars, of Virginia, shall for any cause cease to exist, then the said trustees shall convey the same to the right worthy grand lodge of independent order of good templars of the world.

4. Five trustees shall constitute a quorum for the transaction of any business under this act.

Commencem't. 5. This act shall be in force from its passage.

CHAP. 140.—An ACT to amend and re-enact the second section of an act approved March 4, 1890, entitled an act to incorporate the Richlands land company.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section second of an act of assembly, approved March the fourth, eighteen hundred and ninety, entitled an act to incorporate the Richlands land company, be amended and re-enacted so as to read as follows:

Capital
increased.

§ 2. The capital stock of the said company shall not be less than one hundred thousand dollars, and may from time to time, with the consent of a majority of its stockholders, be fixed at and be increased from time to time to any amount not less than one hundred thousand dollars, required for its operations, and its shares may be issued, sold or retired, the par value of which shall not be less than fifty dollars each, upon such terms and conditions and under such regulations as the board of directors of said company shall prescribe; and the directors may receive labor, supplies and materials, lands, water-rights, contracts and other property, real and personal, in payment for capital stock issued or sold, at such valuation or price at, above, or below par thereof as may be agreed upon between the directors and subscribers or purchasers.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 141.—An ACT to incorporate the Richlands improvement company.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That George McCall, Evans R. Dick, Edwin Eddison, Samuel Heilner, and Saunders Lewis, junior, or such of them as may accept the provisions of this act, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Richlands improvement company, and by that shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter and renew the same at pleasure, and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purpose of this act.

Name and style.

Legal rights.

2. The capital stock of said company shall not be less than fifty thousand dollars, and may be increased to any amount not exceeding one million dollars, which may be issued by subscription or by the exchange sale of shares, the par value of which shall not be less than fifty dollars, from time to time, under such regulations and upon such terms as the board of directors of such company shall, from time to time, prescribe; and the directors may receive labor, supplies, and materials, lands, water rights, and other property, real or personal, in payment for capital stock subscribed for, or sold at such valuation or price at, above, or below par thereof, as may be agreed upon between the directors and subscribers.

Par value of shares.

Subscriptions.

3. The said company is authorized to purchase, hold, and convey lands and interests in lands in the county of Tazewell, in this state, such lands, however, held in fee simple not to exceed at any one time five thousand acres; to till, mine, and quarry upon the same; to construct, lease, and sell dwellings, stores, and other buildings; to erect and maintain bridges, dams, and ferries, and otherwise use, develop, and improve the same; to furnish gas and water, or either, to such persons, partnerships, and corporations, residing or doing business in the county of Tazewell, or in the neighborhood thereof, as may desire to use the same; to provide, locate, purchase, erect, and maintain all works necessary to furnish gas and water, including pipe lines and conduits for the reception and distribution of the same.

May purchase and hold real estate.

Necessary works, etc.

4. The persons first named in this act, or such of them as shall accept the provisions hereof, shall constitute the first

Directors.

board of directors of the said company, and shall continue in office until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting, so many directors shall be elected as may be prescribed by the laws and regulations of said company, who may be removed by the stockholders in general meeting; but, unless so removed, shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall, at all meetings or elections thereafter, be entitled to one vote for each share of stock registered in his name.

Vacancies in
board of
directors.

5. The board of directors shall be stockholders of said company. They shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the minimum amount of capital stock herein named shall have been subscribed, and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of business. The board shall appoint, to hold during its pleasure, the subordinate officers and agents of the said company, prescribe their compensation, and take from them such bonds in security as they may see fit.

Subordinate
officers and
agents.

Officers and
agencies.

6. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located at some point within the county of Tazewell, in this state.

Annual meet-
ings.

7. The annual meeting of the stockholders of the said company shall be held on the first Wednesday in May of each year, or as soon thereafter as practicable, and on such other day and at such other place as the stockholders may by resolution adopt at any annual meeting, to take effect at the next annual meeting prescribed. A general meeting of the stockholders of said company will be held at any time as provided for by the tenth section of chapter fifty-seven of the code of Virginia, edition of eighteen hundred and seventy-three.

General meet-
ing.

Certificates of
stock.

8. The said company shall issue certificates of stock in said company to the subscribers or purchasers thereof in shares of not less than fifty dollars each, signed by the president and countersigned by the secretary of said company. The said certificates shall be transferable upon the books of the company by the said subscribers, their personal representatives, or duly authorized agent or attorney; and the said certificates, when so transferred as aforesaid, may be returned to the said company and cancelled, and new certificates of stock shall be issued in lieu thereof to the persons entitled thereto to a like number of shares.

Certificates
transferable.

9. It shall be lawful for said company to issue or sell its bonds from time to time for such sum and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its work, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property and franchises, including its franchises to be a corporation, and may reserve the right to the company, or confer on the holder of any bonds of the company, the right to convert the principal thereof into stock of the company at any time; and it shall be lawful for said company to subscribe to and hold shares in the capital stock of any railroad company or other corporation whenever the board of directors of the company shall deem it to its interest to do so, and any such corporation may guarantee or hold the bonds or the stock of the said company.

Lawful to sell its bonds.

Right to convert bonds into stock of the company.

10. No stockholder in said company shall be held or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said company for stock subscribed for by said stockholders.

Liability of stockholders.

11. The said company, for the purpose of locating, laying, constructing and operating its conduits and pipe lines, and acquiring the lands and rights of way required therefor, may enter upon lands and acquire by condemnation, according to the laws of Virginia, the lands and rights of way required by the company from time to time therefor.

Condemnation of lands.

12. All taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

Taxes.

13. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves the right to modify, alter, or repeal this act at any time hereafter.

Commencem't.

CHAP. 142.—An ACT to allow notaries or other officer who hold stock in companies to take acknowledgments to deeds or other writing which said companies execute, provided said notaries or other officer are in no otherwise interested.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That no acknowledgment heretofore or hereafter taken to any deed or other writing executed by a company shall be held to be invalid by reason of said acknowledgment having been taken by a notary public or other officer who at the time of taking said acknowledgment was a stockholder in the company which executed said deed or

writing, and who was in no otherwise interested, and the record of any such deed or writing heretofore made shall in all respects be deemed valid, notwithstanding the fact that the notary or other officer was at the time of such acknowledgment a stockholder in the company executing said deed or writing: provided said notary public or other officer was in no otherwise interested when said acknowledgment was taken.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 143.—An ACT allowing the councils of the city of Norfolk to still further increase the salary of the judge of the corporation court of said city.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That the councils of the city of Norfolk shall have, in addition to the authority given them by section one hundred and eighty-six of chapter fourteen of the code of Virginia, to increase the salary of the judge of the corporation court of Norfolk one thousand dollars per annum, to be paid out of the treasury of said city, the right to still further increase the salary of said judge one thousand dollars per annum, to be paid out of the treasury of said city, making the increased salary which the said councils are allowed to pay the said judge two thousand dollars per annum in addition to the two thousand dollars per annum otherwise allowed by law: provided that the increase of salary allowed under this act shall cease and determine at the expiration of the present term of office of the judge of said corporation court, to-wit: January first, eighteen hundred and ninety-five.

Commencem't 2. This act shall be in force from its passage.

CHAP. 144 — An ACT to amend and re-enact the 8th section of an act, entitled "an act to establish a corporation court for the city of Radford, in Montgomery county," approved January 29, 1892.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section eight of an act, entitled an act to establish a corporation court for the city of Radford, in Montgomery county, approved January twenty-ninth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 8. The judge of the said corporation court shall receive such annual salary as shall be fixed by the council of the city of Radford, not to exceed seven hundred and fifty dollars, to be paid as provided by law, and the said judge shall qualify by taking the oath required by law within thirty days after he receives his commission, said oath to be taken before any notary public, or any clerk of a court of record.

2. This act shall be in force from its passage.

Commencem^t.

CHAP. 145.—An ACT to incorporate the Norfolk, Wilmington and Charleston railroad company.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That R. E. B. Stewart, H. W. West, H. L. Smith, W. L. Dougherty, Thomas Pinckney, Thomas L. Huguenin, John C. Mallonee, S. S. Wilkins, R. S. Dobson, John T. West, James S. Mitchell, Carroll Forster, L. C. Malls, A. S. Callwaller, R. D. Harris, J. C. McNaughton, E. D. Killian, J. T. Lawless, G. D. Letcher, George H. Snow, James McKenna, R. L. Upsher, Charles Frederick, C. J. Gontner, J. L. Stadelman, M. S. Moore, W. S. Weimer, C. A. Warner, F. L. Pitman, Harvey Yeager, A. P. Child, Isaac M. Thomas, C. P. Hower, J. T. Williams, D. C. Jeremy, Dr. Taylor, C. Walter, W. W. Winston, J. W. Bethell, and such other persons as may become associated with them by becoming stockholders in said corporation, their successors, or assigns, are hereby constituted and created a body corporate and politic under the name and title of the Norfolk, Wilmington and Charleston railroad company, for the purpose of locating, constructing, equipping, maintaining, and operating a railroad or railroads for the transportation of freight or passengers from Norfolk, Portsmouth, or other point or points on the waters of the Elizabeth river, James river, Chesapeake bay, or Atlantic ocean, in the counties of Isle of Wight, Nansemond, Norfolk, or Princess Anne, and running southerly to the northerly line of North Carolina, by and upon such line or lines and routes as the said corporation may determine and select, to a connection with the Norfolk, Wilmington and Charleston railroad in that state; and for the same purpose build and operate ferries and ferry boats, to be used in the traffic at the said railroad, and steamboats, steamships, sailing vessels, boats, and barges.

Name and style.

May commence a railroad from certain points in Virginia to run to North Carolina line.

May build ferries and ferry boats.

2. The said corporation shall have the right, power, and authority to have and hold and enjoy the franchises, rights,

May have the right and power to enjoy certain franchises.

Bonds, mortgages and otherwise.

Right to purchase other roads.

Capital stock of consolidated company.

Powers and privileges.

May use the road for certain purposes.

Rights and privileges.

Capital stock.

Par value of shares.

Capital stock may be increased.

Subscriptions to capital stock.

Liability of stockholders.

and privileges hereinafter provided, and shall be capable, in law, to purchase property of any and of every kind and effect whatsoever, and the same receive, hold, and enjoy; to grant, sell, mortgage, and dispose thereof; to issue mortgage bonds upon its franchises, rights, privileges, and property created and to be created, in such sum and to such amount or amounts as the said corporation may by its board of directors determine; to issue such other evidences of indebtedness as may be necessary or advisable, and the said board of directors may determine; to change the name of said corporation by a majority vote of the stockholders; to consolidate the franchises, rights, privileges, and capital stock with any other railroad corporation or corporations chartered either by the state of Virginia, or any other state, or under the laws of any other state, or to purchase any such railroads; to issue capital stock of such consolidated company, in place of and in lieu of the capital stock of said corporation; to sue and be sued, plead and be impleaded, contract and be contracted with; to make and have a common seal, and at pleasure to break and alter the same; and to do and perform any and all other acts necessary and proper to perfect its organization; construct its railway and manage and operate the same as a common carrier of passengers and property; to make and put in execution such by-laws as it may deem necessary and expedient, not in contravention of the laws of the state of Virginia, for the government of and for the conducting of the business of the said corporation, and to have and enjoy all the rights, franchises, privileges, and immunities usually appertaining to railroad corporations.

3. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each: provided, however, that the stockholders may from time to time increase said capital stock to such an extent and to such an amount as they may deem to be for the best interests of the said corporation, not to exceed ten million dollars; said capital stock may be paid in labor, material, contracts, or other property. Each stockholder shall be entitled to one vote for each share held by him, and stockholders may vote by proxy. A majority vote of stock outstanding or subscribed for shall be necessary and sufficient for the adoption of any and every act or resolution, the fixing the number of and the election of directors, but vacancies occurring in the board of directors may be filled by the remaining directors. No stockholder's property shall be liable for any debt or liability of said corporation for any greater sum than the amount of stock held by him and not fully paid up in cash or otherwise.

4. The said corporation shall have the right and power to construct its railways upon and through any lands in the state of Virginia along the route indicated in section one, and the right of way for the said railway is hereby fixed at fifty feet on either side of the centre of the road-bed of the said railway; that said corporation shall have the right to cross at grade, over or under, intersect, join, or unite its railway or railroads with any railroad now built or constructed, or hereafter to be built within the state of Virginia, at any point in its route, with the necessary turnouts, sidings, switches, lands, wharves, warehouses and other conveniences in furtherance of the objects of its construction; that said railroad company may build its railroads by such route as may be deemed most advantageous and expedient, and shall have the right to cross any navigable stream or canal on its route: provided, and subject, however, to the laws of the United States and the laws of the state of Virginia; and also the right to transport freight of all kinds that can be transported by rail, and collect freight rates and other charges for transporting and handling the same; to carry passengers and collect fares for transporting the same; to carry and transport all manner of goods as express matters, charge and collect all express rates and charges for carrying the same.

Right to construct its road through lands of the state indicated in section one.

May connect with other roads.

Right to cross navigable streams under certain conditions.

Passengers and fares.

5. Whenever the owner or owners of any property through which the said corporation shall have located its railway, or upon which any material necessary for the construction of said railway is, cannot agree upon the price of said property, or for the purchase of said material, then the said corporation shall, through its properly authorized representative, proceed to acquire the same in the manner prescribed by the statute of Virginia in such cases made and provided.

Condemnation of lands for its uses.

6. Any county through which the said road may pass may subscribe to the stock of said company in manner prescribed by the laws of Virginia in such cases made and provided.

7. That if work on said railroad be not commenced in two and completed in five years after the ratification of this act, then this charter shall be void.

Time in which to commence construction and completing same.

8. That all taxes, dues and demands due the state of Virginia, shall be paid in lawful money of the United States, and not in coupons.

9. That this act shall be in force from its passage.

Commencem't.

CHAP. 146.—An ACT to allow Lewis W. Courtney, and Mrs. G. S. Bailey to erect a wharf at Kinsale, in the county of Westmoreland, on the Yeocomico river.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That L. W. Courtney, of the county of Northumberland, and Mrs. G. S. Bailey, of the county of Westmoreland, be, and they are hereby, authorized to erect a wharf at Kinsale, in the county of Westmoreland, on the Yeocomico river, on the land belonging jointly to the said L. W. Courtney and Mrs. G. S. Bailey, subject to all the laws of the state governing all wharves erected on the waters of the commonwealth; and provided also, that this act shall at all times be under the control of the general assembly, and be amended or repealed, as may be deemed proper; and provided further, that nothing herein contained shall be construed to give the said parties any right to extend their wharf beyond the boundary lines of their own land as extended into the river, without bend or curve, so that none of the water front of the adjacent property shall be encroached on or covered by said wharf.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 147.—An ACT to empower the Trustees of the district school board of Union Hall school district, Franklin county, to use any surplus county public school funds belonging to said district for the purpose of purchasing or erecting buildings for school purposes, or discharging any indebtedness of the said district.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of trustees of Union Hall school district, of Franklin county, Virginia, be, and they are hereby, authorized and empowered to devote and use any surplus county public school funds belonging to said district, now in hand, or that may be in hand within five years from the passage of this act, for the purpose of paying off the indebtedness of said district, or erecting and repairing public school houses in said district.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 148.—An ACT to protect the title of a bona fide purchaser of real estate for value from the heir at law of a decedent against a devise of the said real estate without notice to such purchaser.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That the title of a bona fide purchaser without notice, and for valuable consideration, from the heir at law of a person who died having title to any real estate of inheritance in this commonwealth, shall not be affected by a devise of such real estate made by the decedent, unless within seven years after the testator's death, the will devising the same, or if such will has been proved without this state, an authenticated copy thereof, and the certificate of probate, shall be offered for probate before the court having jurisdiction for that purpose, and shall afterwards be admitted to probate and record in the proper court as a will of real estate: provided, that if any devisee under such will is at the time of the testator's death an infant or insane, the limitation created by this act shall not affect such infant or insane person until after the expiration of two years from the removal of his or her disability.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 149.—An ACT to repeal an act approved March 4th, 1890, entitled an act for the protection of fish in Pittsylvania county.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, Than an act approved March fourth, eighteen hundred and ninety, entitled an act for the protection of fish in Pittsylvania county, be, and it is hereby, repealed.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 150.—An ACT to amend section 5 of an act approved February 29, 1888, entitled an act to work and keep in order the public roads of the county of Pittsylvania.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section five of an act entitled an act to work and keep in order the public roads of the county of Pittsylvania, approved the twenty-ninth of February, eighteen

Section amended.

hundred and eighty-eight, be amended and re-enacted so as to read as follows:

Labor on roads: § 5. After such surveyors shall have worked all their hands on their road at least three days during the year, and find their respective forces are insufficient to keep their precinct of road in good order, it shall be the duty of such surveyor or surveyors to notify any three freeholders—any two of whom may act—to examine their precinct of road, and ascertain what amount of money or timber will be necessary to put said road in good order, and, upon their report in writing to any such surveyor, he shall at once proceed to carry out the decision of the above-named freeholders: provided, that such freeholders shall not cause to be expended a greater amount than fifty dollars upon any one precinct of road in any one year without first obtaining from the board of supervisors of said county authority to do so. All such surveyors of roads as may have to call in the services of such freeholders as provided in the preceding section shall make a report to the board of supervisors at its July meeting of each year, accompanying his report with the report of such freeholders, setting forth the amount authorized to be spent on such road, and any other matter pertinent thereto, together with vouchers for such expenditures.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 151.—An ACT to authorize the Board of trustees of Margaret academy, in the county of Accomac, to make sale of property held by them in trust.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of trustees of Margaret academy, in the county of Accomac, be authorized and empowered to make sale of property held by them in trust; that the proceeds of such sale shall be reinvested by said trustees in the purchase of suitable lands and buildings, or the purchase of suitable lands and erection of suitable buildings for an academy of learning, to be erected in such part of the county of Accomac or Northampton as they, in their judgment, shall deem best, such reinvestment to be made in at least two years after sale.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 152.—An ACT defining a lawful fence for the county of Essex.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That a lawful fence for the county of Essex shall consist of three barbed wires, three rails, planks or poles, the top of the first or bottom wire, rail, plank or pole, to be twenty inches high, the top of the second one to be thirty-two inches high, the top of the third one to be forty-four inches high; all to be securely fastened to strong posts securely set in the ground.

2. This act shall be in force on and after October first, Commencem't. eighteen hundred and ninety-two.

CHAP. 153.—An ACT to allow J. W. Waldron, deputy treasurer of Buchanan county, further time in which to collect unpaid taxes and levies for the years 1887, 1888, and 1889.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That authority is hereby granted J. W. Waldron, deputy treasurer of Buchanan county, to collect any tax accounts in his hands for state taxes and county and district levies for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, and eighteen hundred and eighty-nine, which have not been returned delinquent or insolvent, and for which the said J. W. Waldron has accounted with the state and county; and he shall have the same power of levy and distress as treasurers now possess under the revenue laws: provided, however, that the authority granted by this act shall only extend for a period of one year from the date of its passage.

May collect
tax accounts.

Power to levy
and distress.

2. This act shall be in force from its passage.

CHAP. 154.—An ACT to allow the voters of Red bank district, Halifax county, to vote on a fence law.

Approved February 2, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county court of Halifax county, or the judge thereof in vacation, upon the petition of at least twelve resident freeholders, to submit to

Upon the petition of twelve voters election may be ordered.

the qualified voters of Red bank district, the question as to whether there shall or shall not be a fence law in said district, said election to be held and conducted at such time and places and in such manner as said court or judge may by order prescribe.

Owner liable
for damage of
his stock off his
property.

When this act
to become oper-
ative.

2. If it shall appear from the returns thereof that a majority of the voters in such election is in favor thereof, then it shall not be lawful thereafter for the owner or manager of any horse, mule, swine, sheep, goat, or neat cattle of any description, to permit the said animals to run at large beyond the limits of their own lands, and if any of the animals enumerated in the foregoing section shall thereafter be found going at large upon the lands of any person other than the owner, the owner or manager of said animals shall be liable for all damage or injury done by the said animals to the owner of the crops or lands upon which they may trespass, whether the said animals wander from the premises of their owner in the county in which the trespass was committed or from another county: provided that this act shall not take effect until thirty days after the election herein provided for, and the rights and remedies in regard to trespass of animals shall be secured to the citizens of said districts as now provided for by law in such cases: provided, however, that whereas Hyco river, a stream running through said district is a lawful fence, that if it shall appear from the returns of election heretofore provided for, that a majority of the qualified voters on either side of said river shall vote for this act, the citizens of that side of said river shall be entitled to all the rights and benefits conferred by this act.

Commencem't. 3. This act shall be in force from its passage.

CHAP. 155.—An ACT to incorporate the Roanoke and New Castle railway and mining company.

Approved February 4, 1892.

Corporators.

1. Be it enacted by the general assembly of Virginia, That E. H. Stewart, J. S. Simmons, H. S. Trout, Clarence Coleman, P. L. Terry, R. H. Woodrum, J. T. Engleby, M. C. Thomas, Frank D. Hill, J. C. McDonald, F. J. Chapman, R. V. Jones, Z. T. Cole, P. W. Scott, J. W. Marshall, W. W. Brand, John W. Caldwell, W. M. Page, C. N. Hawkins, M. B. Rowe, C. W. Howard, H. W. Anderson, W. S. Gooch, all of the state of Virginia, and Frank Woodman and E. A. Humphreys, of the state of West Virginia, or such of them as may accept the provisions of this charter, and

such other persons and corporations as may become associated with them in the manner hereinafter provided, shall be, and they are hereby, constituted and made a body corporate, by the name of the Roanoke and New Castle railway and mining company; and as such authorized and empowered to locate, construct, equip and operate a railroad of standard gauge of single or double track, commencing in or at the city of Roanoke, subject to the laws governing common carriers of the state of Virginia, and connecting with the Norfolk and Western railroad at the city of Roanoke, and with such other railroads as may be constructed to that city, and thence running by the most practicable and eligible route deemed advisable by the board of directors of said company, to such place or point in Craig county, Virginia, as will make connection with or intersect the railroad now in operation in said county, or with such other railroads as may be hereafter constructed up Craig creek from said railroad now in operation, said point to be determined by the board of directors; and may extend its main line westwardly to the Tennessee or Kentucky line by the most eligible and practicable route, to be determined by said board of directors; and may also construct a branch line from a point on its main line down New river to the West Virginia line. And it shall be lawful for the said company to construct and operate lateral or branch roads from its main line not to exceed twenty miles in length, which shall have all the rights, powers and franchises, and be subjected to the same restrictions, as the main line.

Name and style.

Connection.

Lateral or branch lines.

2. Said company shall have perpetual succession and a common seal, which it may renew or alter at will; may sue and be sued, plead and be impleaded, contract and be contracted with, and adopt by-laws, rules and regulations for the government of its officers and employees not inconsistent with the laws of the United States or the state of Virginia.

Powers and privileges.

3. The said company is authorized and empowered to purchase, hold, lease, or control in any manner, sell, grant, and convey mineral and timber lands and personal estate, but shall not hold any more real estate than is proper for its purposes, and not to exceed fifty thousand acres at any one time; nor shall it hold real estate, except in the counties of Roanoke and Craig and the counties adjacent thereto. The said company may mine and dig for iron ores and other minerals and metals, and may manufacture iron, steel, fire-brick, glass, or any other article composed wholly or partly of iron or wood, or of any metal or mineral or vegetable substance, and may market and sell the same; and for this purpose it may erect furnaces, rolling-mills, forges, saw-mills and any machinery or manufactories

May acquire by purchase and lease mineral lands.

May operate mines, etc.

Furnaces and manufactories.

upon its lands necessary and proper for its business, and may operate, lease, or sell the same.

Condemnation
of lands for its
purposes.

4. The said company is authorized and empowered to acquire by condemnation, according to the laws of Virginia, the lands required for right of way for its railroad and the lateral branches thereof, and for all sidings, turn-outs, depots, and all other necessary purposes of said railroad; to cross at surface grade, over, or under any railroad now built or constructed, or that may hereafter be built or constructed, subject to the provisions of the general laws of this state; and may consolidate or connect with any line of railroad now constructed or may hereafter be constructed in the counties of Roanoke and Craig or the counties adjacent thereto. Or it may acquire by lease or purchase any railroad now constructed or that may hereafter be constructed in this state: provided the same is not a competing line; or may lease or sell to any such railroad not a competing line, or other corporation its railroad and all its rights, privileges, and franchises belonging to the same, or all or any of its properties, chartered rights, or franchises, upon such terms as may be agreed upon by a majority of its stockholders.

May purchase
or lease other
lines of railway

Rights and
privileges.

Capital stock.

5. The capital stock of the said company shall not be less than fifty thousand dollars, and may, from time to time, be increased to a sum not exceeding five million dollars, and may be divided into preferred and common stock, to be sold in shares, the par value of which shall be one hundred dollars, under such regulation and upon such terms as the board of directors shall, from time to time, prescribe. And the said directors may receive subscriptions to its capital stock from individuals, from other companies, associations, or corporations, and to receive in payment of any such subscriptions money, lands, loans, work, labor, material, property, or other means available for its purposes, at such valuation and at such prices as may be agreed upon between the directors of said company and the subscribers.

Par value of
shares.

Subscriptions to
capital stock.

May borrow
money and
issue bonds
therefor.

6. It shall be lawful for said company to borrow money, and issue and sell its bonds from time to time, for such sums and upon such terms as its board of directors may prescribe, and may secure the payment of said bonds by mortgages or deeds of trust upon its railroad or any part thereof, or upon its lands, or upon all or any of its property, real, personal, or mixed, its contracts and privileges, its charter, rights and franchises, including its franchises to be a corporation.

Stock in other
companies.

7. It shall be lawful for said company to subscribe to and hold the capital stock of any other mining or manufacturing company or other corporation; may lease or operate the property or railroad, or both, of said mining or manufacturing company, or other corporation, and

guarantee the bonds or stocks of such mining, manufacturing company, or other corporation.

8. No stockholder shall be liable for the indebtedness of the said company in a sum greater than may be due by him on stock subscribed for or purchased by him. Liability of stockholders.

9. The principal office of the company shall be at Roanoke city, Virginia, but meetings of the board of directors or stockholders may be held elsewhere in the state of Virginia, as the board of directors, or stockholders in general meeting may respectively determine.

10. For the purpose of organizing said company, the persons named herein as corporators, or any one or more of them, may receive subscriptions to the capital stock of said company, at any time or place without advertising; and when the sum of fifty thousand dollars shall have been subscribed, they or any five of them shall convene the stockholders and organize the company, and certify such organization upon the books of the company, and such certificate, or a copy thereof, duly authenticated by a notary public, shall be received as evidence of legal organization of the company. Who may receive subscriptions to capital stock. To certify its organization on its books.

11. Said company, or its successors, shall begin the work of constructing this railroad two years from the first day of April, eighteen hundred and ninety-two, and complete the same within five years thereafter; otherwise the powers, privileges and franchises granted to said company shall be ipso facto void. Time to begin and complete road.

12. The said company, and its successors, whether by consolidation, lease, purchase, or sale, with, of or by any other corporation or company in this or any other state, is hereby declared to be a domestic corporation, and subject to the jurisdiction and laws of this commonwealth; and in the event that such corporation or company fail or refuses to comply with the provisions of this charter, all the powers, privileges and franchises hereby granted shall be ipso facto void: provided, however, that any forfeiture of the powers, privileges and franchises granted under this statute shall only be effective as against the corporation hereby created, and shall not affect the title, estate, or interest of the bondholders and other creditors of said corporation, or impair the rights of such bondholders and other creditors to have the property and franchises of such corporation sold and the proceeds thereof applied to the payment of its bonds and other indebtedness, in accordance with their priority as secured by mortgage, lien, or otherwise. To be considered a domestic corporation.

13. The city of Roanoke and the counties of Roanoke and Craig, or any other counties through which its line of railroad may be located, may subscribe to the capital stock of said company in the manner and under the restrictions prescribed by the laws of the state of Virginia. Subscriptions to capital stock by the city of Roanoke and certain counties.

Rights, powers
and privileges.

14. The said company is granted all the rights and privileges and franchises granted to railroads and common carriers, and subject to all restrictions required by the general laws of the state of Virginia.

Taxes.

15. All assessments, taxes, dues and demands due to the commonwealth of Virginia shall be paid in lawful money of the United States, and not in coupons.

16. This act shall be in force from its passage, and the general assembly reserves the right to alter or repeal this act at any time hereafter.

CHAP. 156.—An ACT to amend and re-enact section 3287 of chapter 159 of the code of 1887, in relation to when judgment entered in office to become final.

Approved February 4, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and eighty-seven, of chapter one hundred and fifty-nine of the code of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 3287. Every judgment entered in the office in a case wherein there is no order for an inquiry of damages, and every non-suit or dismissal entered therein, shall, if not previously set aside, become a final judgment, if the case be in a circuit court, of the last day of the next term, or the fifteenth day thereof (whichever shall happen first), or if the case be in the circuit court of the city of Richmond, and be matured at the rules and docketed during the term of the court, of the last day of said term, and if it be in a corporation court, of the last day of the next term designated for the trial of civil cases in which juries are required, or of the fifteenth day thereof (whichever shall happen first), and have the same effect by way of lien or otherwise as a judgment rendered in the court at such term. Every such judgment for any plaintiff shall be for the principal sum due, with interest thereon from the time it became payable (or commenced bearing interest) till payment, unless it be in such action as is mentioned in section twenty-eight hundred and fifty-three, in which case it shall be according to that section: provided, that no judgment by default on a scire facias or summons, shall become final within two weeks after the service of such process.

2. This act shall be in force from its passage.

CHAP. 157.—An ACT for the protection of deer in the counties of Bland, Tazewell, Smyth, and Wythe.

Approved February 4, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person in the counties of Bland, Tazewell, Smyth, and Wythe to kill or capture any deer, or chase any deer with dogs with intent to kill the same (such deer not being his own, tamed or inclosed in a park) for the period of five years from the passage of this act. Close period.

2. Any person violating the provisions of this act shall be fined fifty dollars, or imprisoned thirty days in the county jail, or both, at the discretion of a jury.

3. In any prosecution of a person for a violation of this act, in killing or capturing deer, the possession of such deer shall be prima facie evidence of his guilt. Prima facie evidence.

4. This act shall be in force from its passage. Commencem't.

CHAP. 158.—An ACT to incorporate the Montgomery club of Radford, Virginia.

Approved February 4, 1892.

1. Be it enacted by the general assembly of Virginia, That John G. Osborne, Robert Kirkwood, R. H. Adams, William Ingles, James M. Norfleet, A. P. Page, M. C. Jamieson, junior, W. S. Battle, junior, D. H. Barger and W. H. Galway, and such other persons as are now associated as the Montgomery club, or may hereafter be associated with them, are hereby constituted a body corporate, by the name of the Montgomery club, to be located in the city of Radford, Virginia, for the promotion of social intercourse and for the purpose of maintaining a library and reading-room.

2. The said corporation shall have power to make and adopt a constitution and by-laws, rules and regulations for the administration and expulsion of members and their government; the election of its officers, and to define their duties, and for the safe-keeping and protection of its property and funds; and from time to time, to alter or repeal such constitution, by-laws, rules and regulations: provided that the same be not inconsistent with the constitution and laws of the United States or the state of Virginia.

3. The said corporation may purchase and hold or lease any real estate or personal estate: provided, that the real

estate held by them at any time shall not exceed one acre of land.

4. The present officers, board of governors and executive committee shall hold their offices for their unexpired terms, unless it shall be otherwise ordered in the next general meeting of said corporation.

5. The present constitution and by-laws of said corporation shall remain in full force and effect until amended, altered or repealed as provided by said constitution.

6. All taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

Commencem't.

7. This act shall be in force from its passage, and be subject to amendment, alteration or modification at the pleasure of the general assembly.

CHAP. 159. —An ACT to grant to George B. Marshall and his successors and assigns a right of way through the property of the University of Virginia for certain purposes.

Approved February 4, 1892.

1. Be it enacted by the general assembly of Virginia, That George B. Marshall be, and he is hereby, granted a right of way through the lands of the University of Virginia from a point where the land of said Marshall joins those of the University along the road now in use around the Observatory mountain to where it enters the road leading from the Observatory to the University, which right of way shall operate as a continuous easement for the purpose of ingress and egress for ordinary farm purposes to the farm of about one hundred and ninety-seven acres, lying west of said Observatory mountain, and owned by said Marshall, while said farm is in possession of said Marshall or of any subsequent owner of the same: provided, however, that it shall be the duty of said Marshall and of the subsequent owner or owners of said farm of one hundred and ninety-seven acres, to keep the said road in good order and to use the same only for ordinary farm purposes; and upon the failure of any owner of said farm to keep the said road in good order, or upon its use other than for ordinary farm purposes, the board of visitors of the University of Virginia may give written notice to said owner to cause said road to be properly repaired, or to cease the use of the same for other purposes than those herein specified; and if such owner shall continue in default in either of these respects thirty days after such written notice is given him,

the said board of visitors shall have the power, if it so elect, to close said road.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 160.—A RESOLUTION to authorize the governor of Virginia to detach the vessels of the oyster navy of the state to assist in making a survey of the natural oyster beds of the commonwealth.

Approved February 4, 1892.

Whereas it has been determined to make an effort to have an accurate survey made of the natural oyster-beds of the commonwealth of Virginia; and whereas the general government at Washington has, through the proper authority, signified in writing its willingness to assist the authorities of Virginia in perfecting said survey, which correspondence is filed with the committees of the house and senate; therefore,

Preamble.

1. Be it resolved by the house of delegates (the senate concurring), That the governor of Virginia, be, and he is hereby, authorized to detach the vessels of the oyster navy of Virginia, or so many of them as in his judgment may be necessary to assist in perfecting the said survey, the work to be commenced as early as possible in the spring of eighteen hundred and ninety-two, and continued to completion, but to be suspended and recommenced at the discretion of the governor of this commonwealth.

2. This joint resolution shall be in force from its passage.

Commencem't.

CHAP. 161 —An ACT to amend and re-enact an act approved December 19, 1891, entitled an act to amend and re-enact chapter 129, extra session of 1887, for the protection of terrapins.

Approved February 4, 1892.

1. Be it enacted by the general assembly of Virginia, That an act approved December nineteenth, eighteen hundred and ninety-one, entitled an act to amend and re-enact chapter one hundred and twenty-nine, extra session eighteen hundred and eighty-seven, for the protection of terrapins, be amended and re-enacted so as to read as follows:

If any person, after the first day of May and before the fifteenth day of August of any year, shall take terrapins or take or disturb terrapin eggs in the waters of the counties of Accomac, Northampton, Northumberland, West-

moreland, Lancaster, Richmond, Essex and Isle of Wight, or shall have terrapins in his possession, or shall buy or offer them for sale in said counties, he shall forfeit two hundred dollars and be confined in the county jail not exceeding thirty days. And if any person, after the first day of May and before the fifteenth day of August of any year, shall take terrapins with a seine net or weir in the counties aforesaid, he shall forfeit his boats, seines and nets, and pay a fine of two hundred and fifty dollars and be confined in the county jail not less than thirty days; *but this act shall not be construed as preventing any person who has taken or purchased terrapins at any time, other than between the first day of May and the fifteenth day of August in any year, from keeping the same in terrapin pounds or ponds during said period.*

Commencem't 2. This act shall be in force from its passage.

CHAP. 162.—An ACT to empower the board of supervisors of the county of Chesterfield to raise money by the issue and sale of bonds to pay for the new county jail and to pay for repairing and building bridges in said county.

Approved February 4, 1892.

Preamble.

Whereas the board of supervisors of Chesterfield county has been required by the proper authorities of the commonwealth to have built a new jail for said county, and said jail is now in course of erection; and whereas it may become necessary to repair or rebuild many of the present bridges and to build new bridges in said county; and whereas the revenue of said county will be insufficient for said purposes without a considerable increase of taxation; therefore

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Chesterfield county be, and it is hereby, authorized and empowered to issue bonds in the name of and on behalf of Chesterfield county, for an amount not exceeding in the aggregate the sum of ten thousand dollars and to sell the said bonds under such conditions as are hereinafter prescribed, and to use the proceeds of such sale or sales of bonds for the purposes mentioned in the preamble.

Bonds—regulations for issue.

2. That the bonds issued in pursuance of this act shall be for not less in denomination than one hundred dollars nor more than five hundred dollars each, payable in not less than five nor more than thirty years from their dates, and shall bear interest payable annually at a rate not exceeding six per centum per annum, such interest to be evidenced by coupons attached to said bonds as herein

provided. The said bonds may be divided into series and issued and made payable at different dates. The said bonds and coupons shall be issued in the name of Chesterfield county, shall be signed by the chairman of the board of supervisors of said county, attested by the clerk of the county court of said county and ex-officio clerk of said board of supervisors, and shall have affixed thereto the corporate seal of said board of supervisors according to the forms hereinafter provided.

3. That the said board of supervisors may negotiate the sale of said bonds in such manner as it may deem proper, and may employ such agents as may be necessary for the purpose, but no such bond shall be sold at a greater discount than five per centum of its face value. The coupons for interest shall be redeemable at maturity and shall be receivable at maturity for all taxes and other debts due the county of Chesterfield, except for school levies.

4. That the said boards of supervisors may, at any time after five years from the issue of any such bonds, call in, redeem and cancel the same, and the coupons attached, by paying to the holder or holders of any such bond or bonds the face value thereof and the interest due thereon up to the time of such payment and redemption. Notice of such intended redemption shall be given by the said board, by publication thereof, once a week for four successive weeks before the day of such redemption, in one or more newspapers published in the city of Richmond, Virginia, or in the city of Manchester, Virginia.

5. That the form of said bonds and coupons shall be as follows, to-wit:

[FORM OF BOND.]

Form of bond.

\$————

No.——

Series——

Be it known, That the county of Chesterfield, in the state of Virginia, is held and firmly bound unto — or bearer, in the just and full sum of — dollars, lawful money of the United States of America, with interest at — per centum per annum from the date hereof. This bond shall be redeemable on and after the — day of — in the year — upon presentation at the office of the treasurer of Chesterfield county; and the interest thereon shall be payable annually on and after the — day of — of each year, at the office of said treasurer, on presentation and surrender of the proper coupon hereto annexed, until the payment of the principal sum of this bond; and the said interest coupons shall, when due, be receivable for all taxes and debts due the county of Chesterfield, except for school levies. The board of supervisors of Chesterfield county reserves the right at any time after five years from the date of this bond, to call in, redeem

and cancel the same and the coupons attached, by paying to the holder thereof the face value thereof and the interest due thereon up to the time of such payment and redemption—notice of which intended payment and redemption being given by publication thereof, once a week for four successive weeks before the day fixed for such payment and redemption, in one or more newspapers published in the city of Richmond, Virginia, or in the city of Manchester, Virginia. This bond is transferable on delivery, and for the payment thereof, the faith of and all taxable property in the county of Chesterfield are pledged. This bond is issued under the authority of an act of the general assembly of Virginia, approved the — day of — eighteen hundred and ninety-two. In witness whereof, the board of supervisors of Chesterfield county hath caused these presents to be signed by its chairman, attested by the clerk of the county court of said county and ex-officio clerk of said board of supervisors, and its corporate seal to be hereto affixed this the — day of — in the year — .

Chairman of board of supervisors of Chesterfield county.

Attest: _____,

[SEAL.]

Clerk of county court of Chesterfield county and ex-officio clerk of the board of supervisors of Chesterfield county.

Form of coupon

[FORM OF COUPON.]

The county of Chesterfield will pay on bond number _____ series _____ for the sum of _____ dollars, issued by the board of supervisors of said county, on the _____ day of _____ in the year _____ the sum of _____ dollars, interest on said bonds due and payable at the office of the treasurer of said county on and after the _____ day of _____ in the year _____. This coupon when due shall be receivable for all taxes and debts due the county of Chesterfield except for school levies.

Chairman of board of supervisors of Chesterfield county.

Attest: _____,

[SEAL.]

Clerk of county court of Chesterfield county, and ex-officio clerk of said board of supervisors.

Redemption
and interest—
how provided
for.

6. That the board of supervisors of Chesterfield county shall, annually, when fixing and ordering the county levies, include therein a tax and levy sufficient to pay the interest which may become due on said bonds during the ensu-

ing year, and shall, also, in addition thereto, at the time of fixing and ordering the levies for the year prior to that in which any of said bonds shall become due, include therein a tax and levy sufficient to pay and cancel such bonds when due, and so on, until all the bonds issued by authority of this act shall be paid and cancelled. The said board of supervisors may also create a sinking fund by such levy, and in such manner as it may deem proper, for the purpose of buying or calling in, paying and reducing, any or all of said bonds.

7. That all moneys realized from the sales of said bonds shall be received by the treasurer and accounted for by him. He shall be liable on his official bond for the proper custody and disbursement of the same, and shall be entitled to receive for his services a commission of one per centum upon the amount of the proceeds of the sales of said bonds. The money derived from the sales of said bonds shall be kept by the treasurer separate from other county funds and shall not be used for any purposes other than those mentioned in the preamble to this act.

Accounting
officer.

8. That the said board of supervisors of Chesterfield county shall, each year, ascertain how much money has been realized from the levies for purposes of paying the interest on said bonds, the principal of said bonds, and for such sinking fund as may be created by said board under this act, and the county treasurer shall keep the amount of money so ascertained by said board separate from other county funds, and the same shall not be used except for the purposes aforesaid; but nothing in this section shall be so construed as to prevent the county treasurer from paying the interest or principal of any such bonds out of any other county funds in his hands, if, upon the presentation of such interest, coupons, or bonds for payment, the money set apart for that purpose shall be insufficient to pay the same, it being the intention of this act that, if at the time of presentation of such interest, coupons, or bonds for payment, the money set apart for the payment of the same, as herein provided, shall be insufficient to pay the same, the said county treasurer shall, after applying so much of such money as may be in his hands towards the payment of such interest, coupons, or bonds, pay the balance due on such interest, coupons, or bonds out of any other county funds in his hands.

9. This act shall be in force from its passage.

Commencem't.

CHAP. 163.—An ACT to amend and re-enact sections 1747 and 1750 of the code of Virginia, in regard to the examination of applicants for the practice of medicine and surgery, and to repeal an act entitled an act to amend sections 1747 and 1750 of the code of Virginia of 1887, in regard to examination of applicants for the practice of medicine and surgery, approved 19th January, 1892.

Approved February 4, 1892.

1. Be it enacted by the general assembly of Virginia, That sections seventeen hundred and forty-seven and seventeen hundred and fifty of the code of Virginia, of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 1747. *Examination of applicants for practice of medicine—Re-examination—Fees of board.*—It shall be the duties of said board, at any of its meetings, to examine all persons making application to them, who shall desire to commence the practice of medicine or surgery in this state; and when an applicant shall have passed an examination satisfactory as to proficiency before the board in session, the president thereof shall grant to such applicant certificate to that effect. A fee of five dollars shall be paid to said board, through such officers or members as it may designate, by each applicant before such examination is had. In case any applicant shall fail to pass a satisfactory examination before the board, he shall not be permitted to stand any further examination within the next three months thereafter, nor shall he have again to pay the fee prescribed as aforesaid: provided, however, no applicant shall be rejected upon his examination on account of his adherence to any particular school of medicine or system of practice, nor on account of his views as to the method of treatment and cure of diseases; and provided further, that when in the opinion of the president of the board, any applicant has been prevented by good cause from appearing before the board, he shall appoint a committee of three members, who shall examine such applicant, and may, if they see fit, grant him a certificate, which shall have the same force and effect as though granted him by the full board, until the applicant shall have an opportunity to appear before the said board, when, if applicant failing to appear for examination, the president of the board shall have authority to revoke said certificate, or in any case the president shall have authority, at his discretion, to grant a special permit to any applicant to practice medicine, until he shall have an opportunity to appear before the board in session, for examination, which shall be revokable at the discretion of the president. The said board shall have in their discretion authority to accept, in lieu of examination of an applicant, a certificate from the

medical board of any other state, showing that said applicant has passed a satisfactory examination as to his proficiency, and obtained license from said board to practice medicine and surgery in said state.

§ 1750. *Who prohibited from practicing medicine without certificate.*—No person who shall have commenced the practice of medicine or surgery since the first day of January, eighteen hundred and ninety-two, or who shall hereafter commence the practice of the same, shall practice as a physician or surgeon, for compensation, without having first obtained a certificate and caused the same to be recorded as aforesaid. Any person violating the provisions of this section, shall be fined not less than fifty nor more than five hundred dollars for each offence, and be debarred from receiving any compensation for services rendered as such physician or surgeon. Any person who shall have been assessed with a license tax, as a physician or surgeon, by any commissioner of the revenue in this state, at any time prior to the passage of this act, shall be taken as having commenced the practice of medicine or surgery prior to that date; but any person who shall not have been so assessed, shall be taken as not having commenced such practice prior to that date.

Not to practice without certificate—who.

2. The act entitled an act to amend sections seventeen hundred and forty-seven and seventeen hundred and fifty of the code of Virginia of eighteen hundred and eighty-seven, in regard to the examination of applicants for the practice of medicine and surgery, approved nineteenth January, eighteen hundred and ninety-two, is hereby repealed.

Sections 1747 and 1750 of code repealed.

3. This act shall be in force from its passage.

Commencem't.

CHAP. 164.—An ACT relating to the signing and countersigning of certificates of stock and bonds of the Norfolk and Western railroad company.

Approved February 4, 1892.

1. Be it enacted by the general assembly of Virginia, That in the issue by the Norfolk and Western railroad company of shares of stock or bonds of that company, the certificates for such shares and the bonds may, under the seal of said company, be signed by the president, a vice-president, or by such officer for the president as may be specially authorized by the board of directors, and may be countersigned by the secretary, treasurer or cashier of said company.

2. This act shall be in force from its passage.

Commencem't.

CHAP 165—An ACT to authorize the Monticello soapstone slate company to keep its principal office in the county of Albemarle instead of in the city of Charlottesville.

Approved February 4, 1892.

1. Be it enacted by the general assembly of Virginia, That the charter of the Monticello soapstone slate company, which was granted by the judge of the corporation court of Charlottesville on the sixth day of January, eighteen hundred and ninety, and to which an amendment was granted by said court on the thirteenth day of November, eighteen hundred and ninety-one, be, and the said charter is hereby, further amended so as to authorize the said company, by a vote of its stockholders in general or special meeting, to establish and keep its principal office at some place in the county of Albemarle instead of in the city of Charlottesville, as required by its present charter. And said company shall be authorized by a vote of its stockholders, as aforesaid, to keep its principal office either in said city or in said county at any place which its stockholders may from time to time select as aforesaid.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 166—An ACT to amend and re-enact section 2844 of the code of Virginia, as amended and re-enacted by an act entitled an act to amend section 2844, of the code of Virginia, in relation to public holidays, approved February 28, 1890, and to amend and re-enact section 2847, of the code of Virginia.

Approved February 5, 1892.

1. Be it enacted by the general assembly of the state of Virginia, That section twenty-eight hundred and forty-four of the code of Virginia as amended and re-enacted by an act entitled "an act to amend section twenty-eight hundred and forty-four, of the code of Virginia, in relation to public holidays," approved February twenty-eighth, eighteen hundred and ninety, and section twenty-eight hundred and forty-seven, of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 2844. Public holidays.—When bills, notes, etc., otherwise presentable on such holiday to be presentable.—The first day of January, the nineteenth day of January (known as Lee's birthday), the twenty-second day of February, the fourth day of July, the first Monday in September (known as labor day), the twenty-fifth day of December, and any day recommended or appointed by the governor

Public
holidays.

of this state, or the president of the United States, as a day of thanksgiving or of fasting and prayer, or other religious observance, shall for all purposes whatsoever, as regards the presenting for acceptance or payment, and of protesting and giving notice of, the dishonor of any bill of exchange, bank check, negotiable note or other negotiable instrument hereafter made, be considered and treated as a Sunday and public holiday; and every such bill, check, note or other negotiable instrument, which would otherwise be presentable for acceptance or payment, on any such holiday, or on a Sunday, shall be deemed to be presentable for acceptance or payment on the secular or business day, not a holiday, next preceding such holiday or Sunday. Whenever any such holiday shall fall on a Sunday, the Monday next following shall be deemed a public holiday for any and all the purposes aforesaid, and in that case every such bill, check, note, or other negotiable instrument hereafter made, which would otherwise be presentable for acceptance or payment on the said Monday, shall be deemed to be presentable for acceptance or payment on the business or secular day next preceding.

Notes present-
able for
acceptance.

§ 2847. When, if day following that on which it becomes due be a Sunday or public holiday.—If the day following that on which any such bill shall become due shall happen to be a Sunday, the first day of January, the nineteenth day of January, the twenty-second day of February, the fourth day of July, the first Monday in September, known as labor day, the twenty-fifth day of December, or any day appointed or recommended by the governor of this state or the president of the United States as a day of thanksgiving, or fasting and prayer, or other religious observance, it shall not be necessary to present it or forward it for presentment for payment to such acceptor for honor or referee until the first day afterwards which is not a Sunday or one of the other days above mentioned.

When to pre-
sent to acceptor

CHAP. 167.—An ACT to incorporate the Newport railroad, hotel, and land improvement company.

Approved February 5, 1892.

1. Be it enacted by the general assembly of Virginia, That Manning C. Staples, William Marshall, John C. Robertson, James F. Bradley, and James R. Werth, or any three of them, and such other persons and corporations as they may associate with themselves, and their successors, be, and they are hereby, made and constituted a body politic and corporate by the name of the Newport railroad, hotel,

Corporators.

Name, style,
right, etc.

and land improvement company, and as such may have all the rights, franchises, privileges and immunities appropriate to a corporation under the laws of Virginia.

2. The said company may construct and operate a railroad of single or double track and of standard or narrow-gauge from a point at or near West Point, in King William county, extending through the counties of King William, King and Queen, Gloucester and Mathews, to a point on Chesapeake bay, in Mathews, Middlesex or Gloucester counties, and may build such branch or lateral lines as the board of directors may deem advisable, not to exceed fifty miles in length.

Capital stock.

3. The capital stock of said company shall not be less than twenty thousand dollars, nor more than five hundred thousand dollars, except as hereinafter provided. The said stock shall be divided into shares of the par value of one hundred dollars each, and every share shall be entitled to one vote. But the stockholders shall have the right to increase said capital stock so as not to exceed two million dollars by a two-thirds vote of the stockholders in a general meeting assembled.

Shares—par value thereof.

Subscriptions.

4. The directors of said company may receive in payment in whole or in part of any subscription to the capital stock of said company any property adapted to its uses, including labor, services, work, materials, money, lands, land or other damages, and may receive subscriptions for stock from individuals or other companies and corporations; and said company may hold, improve, sell, lease, encumber, or otherwise manage or dispose of any lands or other property acquired under this section.

May borrow money.

5. It shall be lawful for said company to borrow money, and for that purpose to issue bonds or other evidences of debt, and secure payment of the same by mortgage or deed of trust upon the franchises and property of the company; and it shall also have the right and power to transfer its franchises and property of every kind by sale, lease, or otherwise, to any person or persons, whether natural or artificial, except to a parallel or competing railroad line.

The right and power to transfer its franchises.

Hotels and other improvements.

6. The said company may build, furnish and maintain on their property all such hotels, ordinaries, cottages and other improvements and public accommodations as may be proper and advantageous for their business, subject to the general laws of the state of Virginia.

May hold real estate.

7. The said company may acquire and hold real estate in the counties of King William, King and Queen, Gloucester, Middlesex and Mathews, not at any time to exceed five thousand acres in any one of said counties; and may improve, sell, lease, or otherwise manage or dispose of the same as the directors may think best; and may acquire and operate steamboats and other vessels in Chesapeake bay and its tributaries, and by contract may

connect with any steamboat, railroad or other transportation company which the directors may deem it advisable to connect with.

8. The counties of King William, King and Queen, Gloucester, Middlesex and Mathews, and the town of West Point, or either of them, are hereby authorized to subscribe to the capital stock of said company in the manner prescribed by law for such subscriptions by counties and towns. Certain counties may subscribe to the capital stock.

9. The construction of the railroad hereinbefore authorized shall be commenced within two years and completed within five years after the passage of this act. Time of construction and completion.

10. This act shall be in force from its passage.

CHAP. 168.—An ACT to repeal chapter 575, session act 1889-'90, entitled an act defining a lawful fence for Nelson county.

Approved February 5, 1892.

1. Be it enacted by the general assembly of Virginia, That chapter five hundred and seventy-five of session acts of eighteen hundred and eighty-nine-ninety, entitled an act defining a lawful fence for Nelson county, be, and it is hereby, repealed. Act repealed.

2. This act shall be in force on and after the first day of January, eighteen hundred and ninety-three. When act in force.

CHAP. 169.—An ACT to incorporate the Piedmont and Tidewater pipe-line company.

Approved February 5, 1892.

1. Be it enacted by the general assembly of Virginia, That W. S. Archer, Clay Drewry, W. H. P. Morris, W. T. Michaux, and S. Galeski, their associates, successors, and assigns, and such other persons as may hereafter be associated with them, be, and they are hereby, made a body politic and corporate under the name and style of the Piedmont and Tidewater pipe-line company, and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity; may have a common seal, and alter or renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of this Corporators.

act; and may make by-laws, rules, and regulations, consistent with the laws of this state for the government of all under its authority, the management of its estate and properties, and the due and orderly conduct of its affairs.

Capital stock—
may be in-
creased; what
may be taken
in pay therefor.

2. The capital stock of said corporation shall not be less than fifty thousand dollars, and may be increased to an amount not exceeding one million dollars, by the issue and sale of shares, the par value of which shall be one hundred dollars, from time to time, as the board of directors may determine. The said company, or its board of directors, may receive for the stock, in lieu of money, subscriptions (in payment for its stock) in land, rights of way, easements, lumber, construction and outfit material, labor, or services, or any real or personal property, at such price as they may be able to agree upon with such subscribers, and no subscriber to any of the stock of said company shall be liable upon paid-up shares of its stock so issued to him by the said company or its board of directors.

Organization—
how effected.

3. The persons named in this act shall compose the board of directors of the said company, until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting, or any general meeting thereafter, so many directors may be elected as may be prescribed by the by-laws and regulations of said company, who shall continue in office until their successors are elected and qualified. The board of directors shall be composed of stockholders in said company; they shall appoint one of their number president, and may fill any vacancy that may occur in said board until the next annual meeting of stockholders. So soon as the said first board of directors shall have elected a president and a secretary, they may proceed to receive further subscriptions to the capital stock, and said company shall be considered legally organized, and may proceed to the transaction of business. The board of directors may appoint, to hold during its pleasure, the subordinate officers and agents of the said company, prescribe their compensations, and take from them such bonds, with such security, as they may deem fit.

Privileges.

4. The said company is authorized and empowered to buy, sell, and deal in, and store all forms of natural gas, petroleum, rock oil, and all kinds of natural oils; to purify, refine, or in any and all proper modes prepare the same for the market and deliver the same to purchasers; and for these purposes to erect, own or lease, and maintain all needful and proper storage, properties, gas-holders, tanks, refineries, and all buildings and usual and necessary appliances and appurtenances required in the conduct of their business; to purchase, lease, hold, and to grant and convey all real estate necessary in the exercise of its corporate rights.

5. The said company is authorized and empowered to lay, ^{Pipe lines may be laid.} construct, equip, maintain and operate a pipe line, consisting of one or more lines of pipes or tubes, for the purpose of carrying and transporting oil and natural gas. The said line or lines of pipes or tubes may have a terminus at or near Newport News, or at any convenient deep water point along James river or on York river or Potomac river, and may by any convenient route traverse any or all of the intervening counties to some point in the county of Greene, or in any other county in this state where oil or natural gas may be found and be produced and taken from the soil. And the said company may lay, construct, equip, maintain and operate branch pipe lines connecting at any point along said proposed route with its main line. And the said company may at any time extend any of its said branch lines or its said main line of pipes by any convenient route to any point in the state of Virginia where oil or natural gas may be found and be produced and taken from the soil. As to the storage and transportation of natural gas and oil, the said company shall be a common carrier, and in every respect thereto shall have all the rights and be subject to all the duties of a common carrier. The said company shall have the power to make all necessary condemnations for its right of way, tank stations and for terminal facilities as are provided for and in the manner prescribed in chapter forty-six of the code of Virginia of eighteen hundred and eighty-seven, in respect to internal improvement companies, and as the same may be amended.

6. The said company may appropriate its right of way ^{Pipe lines may cross railroads, etc.} and locate and lay its said pipe lines across any railroad and upon and over, or under and across, any lands, waters, streams, rivulets, roads, turnpike-roads, canal, or other public highways, not, however, passing through any burying ground, nor within one hundred yards of any warehouse, mill, manufactory, or store, nor within two hundred yards of any dwelling-house, without the consent of the owners thereof being first had and obtained: provided, that the said company so laying its pipe lines under this act, in crossing any railroad on the surface, or in occupying any lands cleared and used for agricultural purposes, shall bury the same at least fifteen inches below the track of the railroad or the surface of the land, and if any line of pipe shall be laid over or through any waste or woodland which shall afterwards be changed from waste or woodland to farming land, then it shall be the duty of the said company to immediately bury its pipe to the depth of at least fifteen inches as aforesaid: and provided, further, that all pipe lines shall be laid above the flood lines or beneath the bed in crossing creeks and rivers: and provided, further, that all tanks erected for the storage or

transportation of oil shall be protected and surrounded by ditches and embankments, if any such tank be within five hundred yards of the land of any other person, so that in case said tanks should break or be broken the oil stored cannot damage adjoining property.

May borrow money.

7. It shall be lawful for the said company to borrow money and to issue and sell its bonds from time to time for such sum and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its work, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property or franchises, including its franchises as a corporation. It shall be lawful for the said corporation to subscribe to or purchase and hold shares in the capital stock of any other corporation whenever the board of directors shall deem it to be its interest to do so. It shall be lawful for the said corporation to acquire by purchase any pipe-line or lines, or pipe-line property, tanks, gas-holders, or any pipe-line equipments and stock, or any other property from any other corporation or person.

Annual meeting.

8. The annual meeting of the stockholders of the said company shall be held at some place in the state of Virginia, and at a time to be fixed by the directors or stockholders of said company. A general meeting of the stockholders may be held at any time as may be provided for in the by-laws of the said company.

Corporation—its liability.

9. Whenever this corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be imposed by law upon similar corporations; and all taxes and demands due the state of Virginia shall be paid in lawful money of the United States, and not in coupons.

Commencem't.

10. This act shall be in force from its passage.

CHAP. 170.—An ACT to legalize the adoption of minor children by adult persons.

Approved February 5, 1892.

Leave to adopt a minor child and change the name of such child.

1. Be it enacted by the general assembly of Virginia, That an inhabitant of this state not married, or a husband and wife jointly, may petition the county or circuit court of their proper county for leave to adopt a minor child not theirs by birth, and for a change of the name of such child; but a written consent must be given to such adoption by the child, if of the age of fourteen years, and by each of his or her living parents, who is not hopelessly insane or habitually intemperate, or has not abandoned

such child; or if there are no such parents, or if the parents are unknown, or have abandoned such child, or if they are hopelessly insane or habitually intemperate, then by the legal guardian; or if there be no such guardian, then by a discreet and suitable person appointed by the court to act in the proceedings as the next friend of such child; but if such parents or guardian join in said petition it shall be deemed such consent in writing.

2. When the foregoing provisions are complied with, if the court is satisfied of the ability of the petitioner to bring up and educate the child properly, having reference to the degree and condition of the child's parents, and the fitness and propriety of such adoption, it shall make an order setting forth the facts, and declaring that, from that date, such child, to all legal intents and purposes, is the child of the petitioner, and that its name is thereby changed.

When court may change the name, etc., of such child.

3. The natural parents shall, by such order, be divested of all legal rights and obligations in respect to the child, and the child be free from all legal obligations of obedience and maintenance in respect to them; such child shall be, to all intents and purposes, the child and heir at law of the person so adopting him or her, entitled to all the rights and privileges, and subject to all the obligations of a child of such person begotten in lawful wedlock; but on the decease of such person, and the subsequent decease of such adopted child, without issue, the property of such adopting parent still undisposed of, shall descend to his or her next of kin, and not to the next of kin of such adopted child.

Natural parents divested of all legal rights.

4. This act shall be in force from its passage.

CHAP. 171.—An ACT to amend and re-enact section 1407 of the code of Virginia, in relation to conveyances of land to benevolent associations.

Approved February 5, 1892.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and seven of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 1407. Conveyances of land to benevolent associations to be subject to certain sections.—When any conveyance of land has been or shall be made to trustees for the use of any society of freemasons, odd fellows, sons of temperance, or any other benevolent or literary association, or if without the intervention of trustees, such conveyance has been made since the thirty-first day of March, eighteen hundred and forty-eight, or shall be hereafter made for such use, sections thirteen hundred and ninety-

Conveyances.

nine, fourteen hundred and two, fourteen hundred and five and fourteen hundred and six shall be construed as if they were expressly made applicable to such association.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 172.—An ACT to relieve the sureties of James P. Critz, late treasurer of Patrick county, Virginia.

Approved February 5, 1892.

Preamble.

Whereas it appears to the general assembly that a judgment was recovered on the twenty-third day of February, eighteen hundred and eighty-seven, in the circuit court of the city of Richmond by the commonwealth of Virginia against James P. Critz, late treasurer of the county of Patrick, and W. D. Smith, John P. Williams, William H. Ayres, Greene Penn, John M. Ayres, W. F. Padgett, C. P. Nolen, George W. Via, J. W. Dalton, P. W. Dalton, C. R. Joyce, J. T. King, Jessie Collins, E. L. Penn, T. J. Penn, senior, J. L. Saunders, P. J. France, and P. L. Zentmyres, his sureties on his official bond, as treasurer as aforesaid, for the sum of five thousand and sixty dollars and sixty-six cents, with interest thereon, to be computed at the rate of six per centum per annum, on one thousand three hundred and fifty-eight dollars and thirty-four cents, from the first day of December, eighteen hundred and eighty-four, and on five hundred and fifty-eight dollars and sixty cents from the fifteenth day of June, eighteen hundred and eighty-five, and on one thousand four hundred and forty-seven dollars and twenty-seven cents from the first day of December, eighteen hundred and eighty-five, and on four hundred and eighty-two dollars and fifty-four cents from the fifteenth day of June, eighteen hundred and eighty-six, and on one thousand and seventy-nine dollars and nineteen cents, another part thereof, from the first day of June, eighteen hundred and eighty-six, and on one hundred and thirty-five dollars and sixty-six cents, the residue thereof, from December first, eighteen hundred and eighty-six, and seventeen dollars and forty-nine cents, costs;

And whereas Samuel G. Staples and W. S. Ivie were co-securities on the bond aforesaid, and upon whom no process was served and against whom no judgment was obtained;

And whereas on the third day of October, eighteen hundred and eighty-six, and on the ——— day of November, eighteen hundred and eighty-six, the said James P. Critz conveyed by deed to John F. Rison, trustee, all of his real

and personal estate, in trust, to secure as well other creditors as the sureties aforesaid, in such proportion that only about fifty per centum of the proceeds of the sale of his property can be applied to the relief of his sureties;

And whereas the proceeds of the sale of said property was estimated to pay fifty per centum of the indebtedness so secured, and a large number of said sureties on said bond are insolvent, so the burdens aforesaid will fall on comparatively a small number of said sureties;

And whereas on the first day of March, eighteen hundred and eighty-eight, the general assembly of Virginia passed an act authorizing and directing the auditor of public accounts to receive from said sureties of the said James P. Critz bonds of the state of Virginia, issued pursuant to the provisions of the act of February fourteenth, eighteen hundred and eighty-two, commonly known as the Riddleberger bill, at their par or face value in payment and satisfaction of the balance that may be found due on said judgment after the application of all the payments that may be made by James P. Critz, or his trustee, or arising from the sale of the property and effects of the said James P. Critz;

And whereas said sureties did, on the twenty-seventh day of February, eighteen hundred and eighty-nine, deliver to the said auditor bonds as aforesaid to the amount of three thousand dollars, supposed to be the amount due from said sureties;

And whereas the said John F. Rison, trustee, did, on the tenth day of December, eighteen hundred and ninety, disburse the trust funds then in hand according to the decree of the circuit court of the city of Richmond, and said trust funds yielded and paid a great deal less than was expected to pay, therefore leaving a balance due the commonwealth of Virginia to the amount of thirteen hundred and four dollars and seventy-six cents, as of December eleventh, eighteen hundred and ninety; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts, be, and he is hereby, authorized and directed to receive from the sureties of the said James P. Critz, bonds of the state of Virginia issued pursuant to the provisions of the act of February fourteenth, eighteen hundred and eighty-two, commonly known as the Riddleberger bill, or bonds of the state of Virginia that may be hereafter issued under the Olcott settlement, at their par value or face value, in payment and satisfaction of the balance due on said judgment: provided said sureties shall deliver said bonds to said auditor within two years from the passage of this act; but nothing herein contained shall be construed as in any manner relieving the said James P. Critz individually from being held responsible for the payment of such por-

May pay in
Riddleberger
bonds.

tion of said judgment as said sureties may be relieved from; and provided, also, that the said sureties shall be liable among themselves for contribution according to the amounts paid by them; also, provided further, that said sureties shall be at liberty to use any balance that may still remain in the hands of the trustee, or any property now held or hereafter to be acquired by the said James P. Critz, to reimburse themselves for any money paid out by them under this act. All acts and parts of acts in conflict with this act are hereby repealed.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 173.—An ACT to empower the treasurer of Campbell county to make sale of lands returned delinquent for non-payment of taxes for the year 1890.

Approved February 5, 1892.

To make sale of
lands returned
delinquent.

1. Be it enacted by the general assembly of Virginia, That E. S. Moorman, treasurer of Campbell county, be, and he is hereby, empowered to make sale of the lands returned delinquent for the non-payment of taxes for the year eighteen hundred and ninety, in said county on the first day of the March term of the county court of Campbell, eighteen hundred and ninety-two, between the hours of ten in the morning and four in the afternoon, in front of the court-house, unless the amount for which the said lands are delinquent, together with the interest, costs and charges, shall have been previously paid to the said treasurer. If, however, the sale is not completed on that day, it shall be adjourned to the first day of the next county court.

2. This act shall be in force from its passage.

CHAP. 174.—An ACT to incorporate the Tazewell college.

Approved February 5, 1892.

Corporators

1. Be it enacted by the general assembly of Virginia, That William J. Shelburne, A. A. Ferguson, J. N. Harman, A. J. Steel, George W. Gillespie, Judge P. W. Strother, Judge J. H. Stuart, Colonel John B. Cary, and H. E. McWane, and such other persons as may hereafter be associated with them, be, and they are hereby, created and incorporated and made a body politic and incorporate under the name and style of Tazewell college, at the town

Name and style.

of Tazewell, Virginia, for the purpose of keeping and conducting a boarding-school of the above name for boys and young men, and of teaching and giving instruction to such boys and young men, or other persons as may be committed to their care as pupils at said school, in all the various studies and courses of instruction in the sciences, modern languages, English and foreign, and in ancient languages, in music, book-keeping, telegraphy, shorthand, typewriting, and any and all of the liberal arts, and all and any matters or things usually prescribed in schools and colleges, and commercial colleges of the highest grade, and schools of surveying, navigation, and mining, with the right and privilege to make and prescribe such rules and regulations as from time to time may seem fit and proper to them, and to change and alter the same to enable them to conduct the daily and yearly exercises, and successfully to govern and generally to promote and carry out the objects and plans of said college.

For boys and young men.

Branches to be taught.

Rules and regulations.

Daily and yearly exercise.

2. The said college shall have perpetual succession and a common seal, which it may alter or amend at its pleasure, and may in its corporate name sue and be sued, implead and be impleaded, contract and be contracted with, purchase, hold, and grant estates, real and personal, for its purposes, receive endowments and create scholarships, and make regulations for the government of all persons and things and property under its authority for the management of its estates and the due and orderly conducting of its affairs: provided, that said college shall not at any time acquire and hold real and personal estate exceeding in value the sum of one hundred thousand dollars.

Powers, etc.

3. That said college may have such public or other celebrations at such times and places, and in such manner and form as it may see fit and proper, and may confer and bestow upon its pupils or graduates, such diplomas or certificates or other evidences of graduation, distinction, or proficiency as said pupils may acquire in their various studies or employments, according to the regulations of said college and the determination of its teachers, instructors, or other officers, which said diplomas or certificates shall bear the seal of said college and its signature by its principal instructor.

Public celebrations.

4. That the officers of said college shall consist of a principal instructor, and such assistants in the school in all of its departments as may be deemed requisite, to be chosen in such manner and form as said corporators may prescribe.

Officers.

5. This act shall be in force from its passage.

CHAP. 175.—An ACT to give John C. Hall, treasurer of Franklin county, and his deputies, power of levy and distress to collect certain uncollected tax tickets now in his hands.

Approved February 5, 1892.

Whereas John C. Hall, treasurer of Franklin county, has in his hands various tax tickets for which he has accounted to the state and county; therefore,

Power of levy
and distress.

Time within
which to col-
lect.

1. Be it enacted by the general assembly of Virginia, That the said John C. Hall, treasurer as aforesaid, and his deputies, shall have the same power of levy and distress as is now possessed by treasurers under the revenue laws until September first, eighteen hundred and ninety-two, to collect the uncollected tax tickets now in his hands for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine and eighteen hundred and ninety.

2. This act shall be in force from its passage.

CHAP. 176.—An ACT authorizing the board of supervisors of Rockbridge county to issue new bonds to refund the indebtedness of the county created to pay the subscriptions of the county to the stock of the Valley railroad company.

Approved February 5, 1892.

Authorized to
issue bonds.

Rate of interest

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of Rockbridge county, on behalf and in the name of said county, to make and issue, and said board is hereby authorized and empowered to make and issue, bonds of said county, which may be either coupon or registered, in denominations of one hundred dollars, or multiples thereof, to bear a rate of interest not exceeding six per centum per annum, payable semi-annually, to be payable not exceeding thirty years after date, and redeemable after such time as the board may prescribe, to be in such form as may be prescribed by said board, and not to exceed in their aggregate amount the aggregate sum of the existing outstanding bonds of said county heretofore issued in payment of its subscriptions to the capital stock of the Valley railroad company. The bonds hereby authorized to be issued shall be issued and used under the orders of said board of supervisors exclusively for the purpose of retiring the outstanding bonds of the county created in payment of its said subscriptions, or such part thereof, as said board may prescribe.

2. The board of supervisors of Rockbridge county shall, annually, include in the levy upon the property and lawful subjects of taxation in said county, as part of the annual county levy, a sum and tax sufficient to pay the interest on the bonds issued under this act, as well as the interest on any outstanding bonds heretofore issued in payment of said subscription, and to create a sinking fund sufficient to pay off all of said bonds at or before their maturity. The treasurer shall keep a separate account of the fund arising from the tax so levied, and the same shall be applied, first, to the payment of the interest on the bonds issued under this act, and on those issued in payment of said subscriptions, and the balance shall be applied, under the orders of the said board of supervisors, or under the supervision of such agency as they may appoint, to the purchase of the bonds issued under this act, or those issued under other acts for the payment of the subscription of the county to the Valley railroad company; and if none such can be purchased at or under par, then to the redemption of bonds as provided in the act of the eighteenth day of November, eighteen hundred and eighty-four, and after all such shall be paid or redeemed, then to the redemption of bonds under this act, in their numerical order, distributing the same equitably between the different denominations of the bonds redeemed. And no portion of the fund arising from said tax shall be applied to any other purpose whatever other than that prescribed in this section.

Tax to pay interest on bonds.

Sinking fund.

3. All sums which may be realized from any sale of the shares of the capital stock in the Valley railroad company owned by said county, shall be set apart and appropriated by the board of supervisors thereof exclusively to the payment, purchase, or redemption of the bonds issued under this act or any former acts for paying the subscriptions of said county to the stock of the Valley railroad company, so long as any of said bonds may remain unpaid: provided, however, that no sale shall be made of any of said shares of stock unless three-fourths of all the members of said board of supervisors shall vote in favor of the order or ordinance of said board authorizing or sanctioning such sale.

Capital stock in Valley railroad owned by the county.

4. This act shall not be construed as repealing or modifying the act approved November the eighteenth, one thousand eight hundred and eighty-four, entitled "an act to enable the board of supervisors of Rockbridge county to issue new bonds to meet its subscriptions to the stock of the Valley railroad company, and to retire the existing indebtedness of the county," but the said act is continued in full force and effect.

5. This act shall be in force from its passage.

CHAP. 177 —An ACT to amend and re-enact section 10 of an act passed March 5, 1888, entitled an act to amend and re-enact section 10 of an act to amend and consolidate into one act the laws relating to the public printing and binding, and defining the duties of the superintendent of public printing, and to repeal chapter 185 of the acts of assembly of 1879 and 1880.

Approved February 5, 1892.

1. Be it enacted by the general assembly of Virginia, That section ten of an act passed March fifth, eighteen hundred and eighty-eight, entitled "an act to amend and re-enact section ten of an act to amend and consolidate into one act the laws relating to the public printing and binding, and defining the duties of the superintendent of public printing, and to repeal chapter one hundred and eighty-five of the acts of assembly of eighteen hundred and seventy-nine and eighteen hundred and eighty," be amended and re-enacted so as to read as follows:

Number to be printed. To whom distributed. Remainder to be bound. To whom acts to be delivered.	§ 10. He shall cause to be printed in octavo form, as soon as approved by the governor, five thousand five hundred copies of the acts and joint resolutions of the general assembly, and shall distribute them as follows: Two copies to each member of the general assembly, and five copies to the clerk of each house; one copy to each head of department, judge of this state, and the commonwealth's attorney, and judge in this state; one to each clerk of the county, corporation, and hustling courts in this state, and one to the clerk of the circuit court of each county and corporation having a separate clerk for the circuit court, from time to time as they are printed. The remainder he shall have bound in ordinary half binding, with the index and tables required by law to be prepared by the clerk of the house of delegates to be printed with the acts and joint resolutions of the general assembly, and as soon as practicable after the end of each session he shall deliver one copy to each head of department, and forward, by mail or express, or otherwise, five copies to each member of the general assembly; to every judge two copies, and one copy to each mayor, clerk of any court, attorney for the commonwealth, sheriff, sergeant, treasurer, commissioner of the revenue, justice of the peace, supervisor, and superintendent of public free schools; one copy to every judge and clerk of any court held in this state under the laws of the United States, and to each attorney and marshal in this state holding office under the United States; five copies to the general library, and five copies to the law library; one copy to the University, and to each college in the state; one to the board of directors of each lunatic asylum; one to the deaf, dumb and blind institution; one to the Virginia military institute; ten copies to
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the clerk of the senate, for the use of the senate, and fifteen copies to the clerk of the house of delegates for the use of the house. The copies remaining after the distribution above provided for, he shall deliver to the secretary of the commonwealth, to constitute a part of the library fund.

Remaining copies to be delivered to the secretary of commonwealth

2. This act shall be in force from its passage.

CHAP. 178.—An ACT to amend and re-enact chapter 586 of acts of assembly 1889-'90, page 945, to compensate school trustees other than clerks of district school boards, in the counties of Goochland, Chesterfield, Powhatan, and the city of Manchester.

Approved February 5, 1892.

1. Be it enacted by the general assembly of Virginia, That the district school boards of the counties of Goochland, Chesterfield, Powhatan, and the school board of the city of Manchester may, in their discretion, compensate the school trustees of their respective districts, other than the clerks of district school boards, at the rate of two dollars per day for services rendered within their districts, payable from the district school fund: provided that no trustee as aforesaid, shall receive more than twenty dollars in one year for services rendered on district account.

Compensation to school trustees.

2. That county school boards of said counties and city may, in their discretion, compensate school trustees, other than clerks of district boards, at the rate of two dollars per day for actual attendance on meetings of county school boards, payable from the county school fund: provided that no trustee shall receive more than four dollars in one year for services rendered on county school board.

Limit of compensation in any one year.

3. This act shall be in force from its passage.

CHAP. 179.—An ACT to amend and re-enact section 7 of an act approved January 9, 1888, entitled an act to incorporate the Bank of Christiansburg.

Approved February 5, 1892.

1. Be it enacted by the general assembly of Virginia, That section seven of an act approved January the ninth, Anno Domini eighteen hundred and eighty-eight, entitled an act to incorporate the Bank of Christiansburg, be amended and re-enacted so as to read as follows:

§ 7. The total liabilities to the said bank of any person, or of any company, corporation, or firm, for money bor-

Liability not to exceed a certain part of the capital stock, &c.

What not considered as borrowed money.

rowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock actually paid in, and surplus fund, of said bank. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper, actually owned by the person negotiating the same, shall not be considered as money borrowed.

2. This act shall be in force from its passage.

CHAP. 180.—An ACT to authorize the auditor of public accounts and the register of the land office to deliver to the state of West Virginia certain of the original title papers respecting lands in the state of West Virginia, and to authorize the said state to obtain copies of such title papers to lands as cannot be properly so delivered.

Approved February 5, 1892.

Certain books to be delivered.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts shall deliver to any person whom the executive of this state shall certify to him to be officially appointed by the state of West Virginia to receive the same, all the books and reports of the commissioners of the revenue in which lands were assessed with taxes in any county now in the state of West Virginia, and also the sheriff's delinquent lists and the reports of sale by sheriffs, of lands delinquent for taxes, and all evidence of the redemption of any such lands from the time of the formation of such county to the year eighteen hundred and sixty-three, or to the time any such county became one of the counties of West Virginia. And if any county now in the state of West Virginia was taken in whole or in part from any county now remaining in Virginia, so that the commissioner's land books of such county contain the assessments of lands with taxes up to the formation of any such county, part of which lands are now in the state of West Virginia, the auditor shall cause copies thereof to be made under his supervision and direction, upon such terms as may be agreed upon by him and the agent of the state of West Virginia, who may be appointed for that purpose, at the expense of the state of West Virginia; which copies shall be certified and subscribed by the said auditor, who shall thereto affix his seal of office.

2. Be it further enacted, That the register of the land office shall cause to be copied at the expense of the state of West Virginia, under his supervision and direction, on such terms as may be agreed upon between him and the

agent of the state of West Virginia, who may be appointed for that purpose, all surveys and patents of lands now lying in any of the counties in the state of West Virginia, which are recorded in the office of the register of the land office of this state; which copies, when made, shall be certified and subscribed by the said register, who shall thereto affix his seal of office.

3. This act shall be in force from the passage thereof.

CHAP. 181.—An ACT to incorporate the Chesapeake light and power company.

Approved February 5, 1892.

1. Be it enacted by the general assembly of Virginia, That H. R. Booker, Segar Whiting, James A. Watkins, Frank W. Sheild, C. T. Holtzclaw, Edward D. Crook, and R. M. Booker, and such other persons as may be hereafter associated with them, their successors and assigns, shall be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Chesapeake light and power company, for the purpose of manufacturing, generating, employing, distributing, and selling gas, electricity, or other suitable and proper materials, or fluids, for public and private use, for lighting and for power, within the limits of the town of Hampton, as the same is now or may hereafter be laid off, and at such other place or places in the county of Elizabeth City, state of Virginia, as may be determined on, from time to time, by the said company, including, with the consent of the proper authorities, Old Point and the southern branch of the National home, in said county; and by the name and style aforesaid, the said H. R. Booker, Segar Whiting, James A. Watkins, Frank W. Sheild, C. T. Holtzclaw, Edward D. Crook, and R. M. Booker, and their associates, successors, and assigns, shall be known in law, and shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, contract and be contracted with.

Corporators.

May acquire engines and fixtures.

2. That the said company shall have full power and authority to acquire, construct, use, employ, lay, and locate on any plan it may approve, engines, boilers, pipes, wires, poles, and any and all fixtures, appurtenances, machinery, and appliances proper, necessary, and desirable for the manufacture, generation, employment, distribution, and sale of gas or electricity, or other proper and suitable materials or fluids, for public or private use, for light or power, within the limits of the town of Hampton, as the same

is now or may hereafter be laid off, and at such place or places in the said county of Elizabeth City, including, with the consent of the proper authorities, Old Point and the southern branch of the National home for disabled volunteer soldiers, as the said company may, from time to time, determine upon; to locate its plant or plants at any point or place, or points or places, within the said county of Elizabeth City, and to locate and erect such poles and wires as may be necessary, desirable, or proper for the conduct of its business. And for these purposes, the said company shall have, and is hereby expressly invested with, all the powers, rights, privileges, and franchises conferred, and be subject to all the restrictions imposed, by chapter forty-six, code of Virginia of eighteen hundred and eighty-seven, and the acts of the general assembly of Virginia amendatory thereof, and of sections twelve hundred and eighty-seven, twelve hundred and eighty-eight, and twelve hundred and eighty-nine of chapter fifty-four of the said code of Virginia.

Capital stock
may be
increased.

3. The capital stock of the said company shall not be less than ten thousand dollars, and may, with the consent of a majority of its stockholders given at any annual or general meeting thereof, be increased from time to time, to any additional amount requisite for the operations of the company, not exceeding fifty thousand dollars, by the issue or sale of shares, the par value of which shall be one hundred dollars each, from time to time, upon such terms and conditions, and under such regulations as the stockholders of said company, in any annual or general meeting thereof, shall prescribe; and the said company may receive land, materials, labor, supplies, services, or other valuable considerations, in payment of subscriptions to, or purchases of the capital stock, at such valuation or price, and on such terms and conditions as may be agreed upon; and the stock of the company so issued shall for all purposes be treated as paid for at par money, without any liability whatever thereon, or upon the holders thereof to pay any calls or assessments on account thereof, except as may be agreed upon.

Real estate may
be held.

4. That the said company is hereby authorized and empowered to acquire and hold such real estate, not exceeding three hundred acres, as may be necessary or proper for the conduct of its business and the prosecution of its work, and to sell, convey and encumber the same by deeds of bargain and sale, deeds of trust and mortgages.

5. It shall be lawful for said company to issue and sell its bonds to an amount not exceeding fifty thousand dollars, from time to time, for such sums and on such terms as it may deem expedient and proper in the prosecution of any of the work or business of the said company; and it may secure the payment of the principal and interest

thereof by mortgages or deeds of trusts upon all or any portion of the property, rights and franchises of the company, including its franchises to be a corporation. Each stockholder in said company shall be entitled to one vote for each share of stock held by him, and no stockholder shall be held individually liable for the debts or liabilities of the company, in any larger or further sum than to such amount as may be due and unpaid, severally upon each stock subscription.

6. That the incorporators herein above named, or any three of them, may receive subscriptions to the capital stock of said company; and in taking and receiving subscriptions to the capital stock of said company, they shall be governed by sections eleven hundred and six and eleven hundred and seven, of chapter forty-seven of the code of Virginia, of eighteen hundred and eighty-seven. When the minimum capital herein prescribed shall have been subscribed, the said subscribers may organize the said company by the election of a president, vice-president, secretary, treasurer, five directors, and such other officers and agents as they may deem necessary, who shall hold office for one year, and until their successors are elected, unless sooner removed by the stockholders. Nothing in this section shall be construed to prevent the stockholders from prescribing the number, character and tenure of the offices of said company, or the manner of the appointment and removal of the officers thereof.

Subscriptions—
by whom
receivable.

7. That all taxes or debts due or to become due the state of Virginia by the said company, shall be paid in lawful money of the United States, and not in coupons, and this charter is granted on this express condition.

Coupons not to
be used for
taxes.

8. That the general assembly of Virginia hereby reserves the right to amend, alter, or repeal this charter hereby granted at any time from and after its passage.

Legislature
may repeal.

9. That this act shall be in force from and after its passage.

Commencem't.

CHAP. 182.—An ACT to incorporate the Lynchburg electric company.

Approved February 5, 1892.

1. Be it enacted by the general assembly of Virginia, That John H. Lewis, R. H. T. Adams, J. D. Sullivan, J. P. Bell, and John B. Moon, of Virginia; Jefferson M. Levy, W. W. Flannagan, and C. H. Harman, of New York, and their associates and successors, be, and they are hereby, constituted and made a body politic and corporate by the name and style of the Lynchburg electric company, and by that name and style shall have all the rights, powers,

Corporators.

and privileges conferred by and be subject to all the provisions of the general laws of Virginia in reference to corporations and chartered companies, so far as the same may be applicable to and not inconsistent with the provisions of this act.

Capital shares—
par value.

Stock may be
increased.

2. The capital stock of the said company shall not be less than one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and the amount of such capital stock may be increased, from time to time, by the board of directors to an amount not exceeding five hundred thousand dollars; and said board may make so much thereof preferred or guaranteed stock as they may deem proper; and such board may issue shares of stock and sell the same at such price as may be fixed and agreed to by them, and may, in their discretion, receive pay for such shares in property, money, or services rendered, at prices agreed on by said board, and may exchange any of its property for its stock, and may cancel or reissue such stock so acquired; and said minimum amount of capital stock may also be paid in property, money, or services, at prices agreed upon by said board, or by the stockholders, or the corporators constituting the first stockholders' meeting of said company.

3. The first meeting of the corporators hereinbefore named shall be held in the city of Lynchburg as soon as a majority of such corporators may there convene, and upon the minimum amount of such capital stock being taken or subscribed for by said corporators or other persons, then such meeting (being attended by a majority of those subscribing to such stock) shall constitute the first general stockholders' meeting, and the general annual meeting of such stockholders shall be held annually thereafter, in said city, or at such other time and place in Virginia as the stockholders may, in general meeting, appoint; and the principal office of said company shall be in said city, or at such other place as the stockholders, in general meeting, may designate.

Organization.

4. The board of directors shall consist of five members, who shall from their number choose a president, and who may appoint all such other officers or agents as they may deem proper, including an executive committee of not less than three of their own number, to whom they may delegate any or all of the powers of the said board; but the stockholders may in general meeting at any time increase the number of such directors.

Privileges.

5. The said company may construct, operate and maintain, or acquire by purchase, or lease, and operate and maintain electrical light and motive power works, plants and appliances, tramways and street car lines (operated by electricity or otherwise), gas and water-works, and like improvements, and may sell, lease or otherwise dispose of

the same; may acquire and hold by purchase, lease or otherwise, real and personal property, and may improve and add betterments to the same, and may sell, encumber, lease or otherwise dispose of the same; may lay off any real estate so acquired into lots, blocks, streets, squares, alleys, parks and passways, and dedicate to public use such streets, alleys, squares, parks or passways; may borrow money and give mortgages and other securities therefor; may engage in manufacturing and commercial operations; may extend aid and assistance, by donation, or otherwise, to individuals and corporations for the furtherance and promotion of manufacturing and business enterprises; and may hold stock in, and guarantee the stocks and securities of other corporations, and other corporations may hold stock in and guarantee the stock and securities of said company, and said company may merge and consolidate with any other corporation upon such terms and conditions, and under such corporate name as may be agreed upon by the stockholders of the companies respectively in general meeting, and a counterpart of any such contract of consolidation shall be filed and recorded in the office of the secretary of the commonwealth, and an official copy thereof shall be evidence of such consolidation.

6. All taxes and other public dues accruing from said company to the state of Virginia shall be paid in lawful money of the United States, and not in coupons or any other thing whatsoever. Coupons not receivable.

7. This act shall be in force from its passage. Commencem't.

CHAP. 183.—An ACT to incorporate the Lynchburg-Edison electric company.

Approved February 5, 1892.

1. Be it enacted by the general assembly of Virginia, That Peter J. Otey, Watkins L. Moorman, R. L. Miller, G. Woodville Smith, R. Taylor Gleaves, C. C. Dunn, junior, Jerry D. Sullivan and Frank P. Christian, their associates, successors and assigns, be, and are hereby, incorporated and made a body politic and corporate, under the name and style of "Lynchburg-Edison electric company," and by that name shall be known in law, and enjoy and exercise all rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act. Corporators.

2. The capital stock of said company shall not be less than thirty thousand dollars, nor more than three hun- Capital stock.

dred thousand dollars, and shall be divided into shares of twenty-five dollars each.

Subscriptions—
how may be
paid.

3. The company, in payment for subscriptions to its capital stock, may receive money, land, materials, labor, or any other article or value, at such prices as may be fixed by the board of directors, and the board of directors of said company may, from time to time, increase the capital stock until the said maximum is reached, and for that purpose, may issue shares of stock and sell the same at such price as may be fixed and agreed to by them, and may, in their discretion, receive real or personal property or services in payment thereof, or may issue shares of stock, from time to time, to represent enhanced values of its property.

Annual meet-
ing.

4. The annual meeting of the stockholders of said company shall be held in the city of Lynchburg on the first Monday in April in each year, or at such other time or place as the stockholders in general meeting shall appoint, and in all meetings of stockholders one vote may be cast, in person or by proxy, for each share of stock by the holders thereof.

Organization.

5. The board of directors shall consist of seven members, who shall from their number choose a president, vice-president, and elect and appoint such other officers and agents as they may deem necessary to conduct the affairs of the company, and prescribe their duties, salaries, and the amount of their official bonds, when bond is required; but the stockholders at any general meeting shall have power to increase the number of directors.

Street railways,
where may be
built; motive
power.

6. The principal office of said company shall be in the city of Lynchburg, and said company shall have power and authority to construct, equip, maintain, purchase, hold and operate street railways in the counties of Campbell and Bedford, and in the city of Lynchburg. The cars upon said railways may be propelled by horses, steam, electricity, or other motive power.

7. Its railway, poles, wires, and other parts of its plant, necessary to the running of its cars, may be laid and placed in the streets and roads of the city of Lynchburg, and the streets and roads of the counties of Campbell and Bedford, and its cars or tracks may be run over said railway when so laid: provided the consent of the council of the city of Lynchburg be first obtained to such uses of its streets and roads, and the county courts of said counties of Campbell and Bedford respectively, for such uses of said roads and streets in said counties; but where such consent has already been granted by said council and said courts to any individual or company from which this company may desire any railway, or any part of the plant connected therewith, no further grant of such power shall be requisite, and the transfer to this company of any such

railway or plant shall convey with it all such rights, franchises, and privileges derived from said counties, city, or private individuals; to construct and equip other street railways, and to purchase, hold, lease, maintain and operate any other street railways, which have been or may hereafter be constructed, and construct, equip, maintain, purchase, hold and operate, arc and incandescent electric light, heat and power plants, for the purpose of furnishing light for streets, cars and buildings, heat for buildings, and motor power for manufactories and other enterprises; to construct, own, and maintain such poles, wires and other apparatus, as may be necessary and suitable for conducting the business of said company; to change its corporate name whenever it may so desire; but such change of name shall in no wise affect the relation of the company to its property, or to its debts and contracts; to condemn land for the purpose of laying its railway track, establishing depots, erecting poles, wires, subways, as may be necessary for the business of said company. But in all such combinations, it shall be controlled by the laws of the state in such case made and provided, and shall have no other powers than those granted by such laws. To cross, unite, or connect with any other line of railway, constructed or to be constructed, and to consolidate with any other joint stock company created for similar purposes, and to invest in the stock of other joint stock companies, and hold, vote, or otherwise exercise all the rights of a stockholder in said company, and to do all other matters and things pertinently connected with the objects aforesaid and pertaining thereto.

Right of way—
how acquired.

8. That said company may acquire and hold real estate not to exceed fifty thousand dollars in value, nor one hundred acres in quantity, at one time, and may sell, lease, or otherwise dispose of the same.

Real estate may
be held.

9. That said company is authorized to transport passengers, freight, and express, over its line or lines of railway, at such legal rate of fare as it may adopt, and may make, contract for and furnish light for buildings, cars, and streets, heat for buildings, and motive-power for manufactories and other enterprises, by electricity, gas, or steam, for such compensation as may be agreed upon by said company.

Privileges.

10. That said company shall have power and authority to sell or lease its lines of railway, plants, or property, or any part thereof; to borrow money for the use of the said company; to issue bonds and sell the same, and to secure any loan made to it, or any bonds issued by it, by mortgage or deed of trust upon all or any part of its property, franchise, or income. It may also purchase, hold, use, enjoy, sell, or otherwise dispose of any and all kinds and

classes of personal property requisite and necessary for the use, development, and purposes of said company.

Coupons not to
be used for
taxes.

11. The said company shall pay all taxes and other dues to the state of Virginia in current money of the United States, and not in coupons.

Commencem't.

12. This act shall be in force from its passage.

CHAP. 184.—An ACT for the relief of Joel Sumner.

Approved February 9, 1892.

Whereas Joel Sumner and W. C. Duncan became the bail or bondsmen of John L. Peterman, charged with a certain felony, at the May term, eighteen hundred and eighty-four, of Floyd circuit court for the appearance of said Peterman at the November term, eighteen hundred and eighty-four, of said court;

Preamble.

And whereas, at said last-named term, said Peterman failed to appear, and his default was entered and a scire facias was awarded by said court against said Peterman and his bail; and at the May term, eighteen hundred and eighty-five, a judgment was awarded against said Sumner and Duncan, upon whom said process had been served for the sum of one hundred dollars, with interest from the fourth day of May, eighteen hundred and eighty-five, and nine dollars and twenty-three cents, costs;

And whereas said Sumner has paid one-half of said judgment for one hundred dollars, and all the costs of same;

And whereas said Sumner has filed his petition in the circuit court of Floyd county in the manner prescribed by section seven hundred and thirty-eight, code eighteen hundred and eighty-seven, reciting the foregoing facts, together with the following facts: That he was induced to become the co-bondsman or bail with said Duncan upon the assurances of said Duncan, then a resident of Montgomery county, that he owned real estate and personal property of much greater value than said amount of bail, and that same was unencumbered, when, in truth and in fact, at the time of said bail being given, said Duncan's real estate was encumbered by liens to a greater amount than its value, and he owned no more personal property than was allowed him by the poor debtors' exemption; that said Sumner is an old man of small means, with a family dependent upon him for a support, and that no part of the judgment can be made out of said Duncan;

And whereas said circuit court, at its May term, eighteen hundred and ninety-one, after hearing the evidence, entered an order that the relief prayed for, to-wit: that said

Joel Sumner should be exonerated from the payment of the residue of said judgment, should be granted, as will more fully appear from the said petition, answer thereto by the attorney for the commonwealth, certificate of facts, and said opinion of the court, duly authenticated by the clerk of said court, on file with the petition to the general assembly to release said Sumner from the residue of said judgment; therefore,

1. Be it enacted by the general assembly of Virginia, That Joel Sumner be, and is hereby, relieved from the payment of the residue of the aforesaid judgment of Floyd circuit court, rendered at the May term, eighteen hundred and eighty-five, against him and said W. R. Duncan, but this relief is in no way to affect or impair the liability of said W. R. Duncan for same. Relieved from payment of residue of a judgment.

2. This act shall be in force from its passage.

CHAP. 185.—An ACT to amend and re-enact section 1916 of the code in relation to the duties of the sealer of weights and measures.

Approved February 9, 1892.

1. Be it enacted by the general assembly of Virginia, That section one thousand nine hundred and sixteen of the code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows: Section amended.

§ 1916. The said sealer for each county or corporation shall once, in every three years, go to the houses, stores, or shops of every person within the town or county (by whose court he was appointed) who uses balances, steel-yards, platform balances, weights, or measures for the purpose of buying or selling, and who has failed for three years to bring or send them in at the times and places notified by him, and also to all hay-scales and platform balances kept for public use, and there try and prove such scales, balances, steelyards, weights, or measures, and seal or deface and destroy them, as may be proper: provided, that the sealer of weights and measures appointed for the city of Richmond shall be required once in each year to go to the houses, stores, or shops of every person within his city who uses such balances, steelyards, platform balances, weights, or measures, and who has failed for one year to bring or send them in at the time and place notified by him. Duties of sealer.

2. In the cases mentioned in this section the sealer of weights and measures shall have double the amount of his regular fees.

3. This act shall be in force from its passage.

Commencem't.

CHAP. 188.—An ACT to amend and re-enact the second clause of section 2079 of the code of Virginia, in relation to unlawful hunting, &c., in the county of Fluvanna.

Approved February 10, 1892.

Section
amended.

1. Be it enacted by the general assembly of Virginia, That the second clause of section two thousand and seventy-nine of the code of Virginia, in relation to unlawful hunting, and so forth, be amended and re-enacted so as to read as follows:

Close season.

§ 2079. It shall be unlawful to kill or capture, or offer for sale, or buy any partridges or quails between the first day of January and the fifteenth day of October, or any pheasants or ruffed grouse, or wild turkeys between the first day of February and the fifteenth day of September, in the counties west of the Blue Ridge (except Rockbridge,) and in Rockbridge and the counties east of the Blue Ridge (except Prince Edward and Fluvanna) between the fifteenth day of January and the fifteenth day of October; and in Prince Edward between the first day of March and the fifteenth day of October; and in Fluvanna between the fifteenth day of February and the fifteenth day of November; or at any time to take or destroy the eggs of partridges or quails, pheasants or ruffed grouse, or wild turkeys, or catch them with nets or traps.

2. This act shall be in force from its passage.

CHAP. 187.—An ACT to incorporate the Potts valley railroad and iron company.

Approved February 11, 1892.

1. Be it enacted by the general assembly of Virginia, That Otis A. Thayer, William T. Thayer, Jesse S. Savage, W. A. McCorkle, Joseph L. Beury, Homer A. Holt, Johnson N. Camden and A. C. Snyder, of West Virginia; and Thomas B. Paxton, of Cincinnati, Ohio, their associates, successors and assigns, and all others who may become stockholders, are hereby incorporated and made a body politic and corporate, under the name and style of the Potts valley railroad and iron company, for the purposes hereinafter declared; and the said company is hereby invested with all the rights, powers and privileges, and made subject to all the rules, regulations and restrictions provided and prescribed in the code of eighteen hundred and eighty-seven of this state, in relation to such corporations, and any laws amendatory thereof, so far as the

same are applicable and not repugnant to or inconsistent with the powers, rights and privileges herein granted.

2. The said company shall have perpetual succession, and is hereby invested with all and singular the rights, powers, privileges and authority following, namely:

First. To locate, construct and maintain a railroad from a point on the Chesapeake and Ohio railway at or near the town of Covington, along the valley of Potts creek, through the counties of Alleghany and Craig, to the state line, at or near the place where Potts creek crosses said state line in Craig county, with the right and privilege of extending said railroad, after passing up said creek through a portion of the territory of the state of West Virginia, by the authority of said state, to a point on the Norfolk and Western railroad, at or near the mouth of Big stony creek, in the county of Giles; also with the right and privilege of extending its line from the place where it leaves the Chesapeake and Ohio railway, at or near Covington, in a northerly direction to the West Virginia boundary line, so as to connect with any railroad that may be built to or near such boundary in the state of West Virginia, with power and authority to build, construct, equip and operate such lateral railroads, tramways, or roadways as the directors may deem necessary for the purposes of this act; but no one of said lateral roads or ways shall exceed twenty miles in length; and with power to acquire, by condemnation, according to the laws of this state, the lands required for the rights of way for its railroads and the necessary stations and depots for its operations; it may connect or unite its railroad with that of any other railroad company, charge and collect tolls on passengers and freight, and may sell and convey, or lease its railroad to any other railroad company of this or an adjoining state, with authority to such other railroad company of this or any other state to accept such conveyance or lease; and for these purposes the said company shall have, and is hereby invested with, all the rights, powers, immunities, franchises and privileges which are conferred by and may be exercised under the laws of this state relating to internal improvement companies, and subject to any such laws in the same manner as if they were hereby expressly made a part of this act.

Second. To buy, own, sell, lease, and deal generally in land and mineral rights in land; but the company shall not at any time own more than seventy-five thousand acres of land or mineral rights in this state.

Third. To mine ores, buy, own, sell, and deal generally in iron, steel, and ores and coals of all kinds.

Fourth. To construct, maintain, and operate coke ovens, and manufacture, buy, sell, and deal generally in coke, charcoal, and lumber.

Fifth. To construct, maintain, own, sell, lease, and operate blast furnaces, and to smelt iron ore and manufacture pig iron and steel of all kinds.

Sixth. To construct, maintain, own, lease, and operate rolling mills, and to manufacture bar, sheet and rod, and wrought iron of all kinds.

Seventh. To manufacture, buy, sell, and deal generally in any and all articles made wholly or in part of iron or steel, or into which iron or steel enters as a component part.

Eighth. To construct, maintain, own, and use depots, telegraph and telephone lines, warehouses, storehouses, and houses for tenants.

Ninth. To buy, sell, own, and deal generally in goods, wares, and merchandise, and personal property; and to deal in timber, and buy, sell, own, lease, and operate lime quarries and manufacture lime.

Tenth. To lay off parts of its lands, at one or more places, into town lots, improve the same by establishing streets, alleys, and ways, and to sell, lease, rent, and deal generally in the lots of such town or towns, and build houses thereon, and own, sell, and lease the same.

Eleventh. And to do such other acts and to conduct and transact such other business as a corporation may legally and rightfully do under the laws of this state.

3. The capital stock of said company shall not be less than one million dollars, and may be increased to such an amount as the board of directors, with the consent of the majority of the stockholders, may, from time to time, determine. The said stock shall be divided into shares of the par value of one hundred dollars each. The said company, or its board of directors, may receive for stock, in lieu of money, subscriptions in lands, mineral rights, lumber, labor, and construction and outfit materials, or any personal property, at such value or price as the directors may agree upon with such subscribers, whether corporations or individuals; and no subscriber to any of the stock of said company shall be liable upon any paid-up shares of stock issued to him by the company or its board of directors.

4. The persons named in this act shall compose the board of directors of said company until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting thereafter, so many directors shall be elected as may be prescribed by the by-laws and regulations of said company, who shall continue in office until their successors are elected. The directors shall be stockholders of the company. They shall appoint one of their number president, and may fill any vacancy that may occur in the board until the next meeting of the stockholders. Whenever at least the minimum amount of

stock herein named shall have been subscribed, and the board of directors shall have appointed a president, said company shall be considered legally organized, and may proceed to the transaction of business. The board of directors may appoint, to hold during its pleasure, the subordinate officers and agents of the company, prescribe their compensations, and take from them such bonds, with such security, as said board may deem fit and proper. The board of directors shall have all powers and authority given them by this act, and such other powers and authority not inconsistent with this act, nor the laws of this state, as may be conferred on them by the by-laws of the company.

5. It shall be lawful for said company to borrow money and to issue bonds from time to time for such sum and on such terms as its board of directors may deem expedient and proper for the purposes of the company, and may secure the payment of said bonds by mortgage or deeds of trust upon all or any portion of its property or franchises, including its franchise to be a corporation. It shall be lawful for said company to subscribe to or purchase and hold shares in the capital stock of any railroad, mining, or manufacturing company, or other corporation, whenever the board of directors shall deem it to be to its interest to do so.

6. Said company is hereby authorized to consolidate with any railroad company in this or an adjoining state, when the lines of railroad of said two or more companies would, when constructed, form a continuous line either directly or by means of intervening railroad or railroads; such consolidation may be made upon such terms as may be approved by a majority of the stockholders of each of said companies at any meeting thereof duly called; and when such consolidation is made, the consolidated company shall be entitled to all the rights, privileges, and franchises of the constituent companies; but it shall be lawful for the companies, in their agreement of consolidation, to agree that the new consolidated company shall be entitled only to such rights, privileges, and franchises of the Potts valley railroad and iron company as relate to the construction, operation and maintenance of the railroads of said company, including its lateral railroads and branches, in which event, said Potts valley railroad and iron company shall still continue in existence and hold all the remaining franchises granted by this act. The agreement of consolidation, when made and signed by the presidents of the several companies and attested by their respective seals, shall be filed in the office of the secretary of the commonwealth, and a copy thereof, duly certified, shall be evidence in all courts of this state of the consolidation of said companies and of the rights, powers, and

privileges, and franchises of the consolidated company in accordance with the terms of said agreement of consolidation.

7. The annual meetings of said company shall be held at such place, either within or without the limits of this state, and at such time as may be fixed by the directors or stockholders of said company, but its principal office shall be in this state. The first meeting of the stockholders or the corporators shall be held at Covington, in this state, after publication of notice of the time of such meeting for two weeks in some newspaper published in said town, and by letter from one or more of said corporators to the others. Notice of the other meetings, general or special, shall be given in the manner prescribed by the by-laws of the company, and, in the absence of any such by-law, the notice shall be such as is provided by the laws of this state for such companies. The construction of said road to be begun in two years, and completed in five years, from the first of April, eighteen hundred and ninety-two.

8. Whatever taxes may become due from said company shall be paid in lawful money, and not in coupons.

9. This act shall be in force from its passage.

CHAP. 188.—An ACT to amend and re-enact chapter 336, acts of 1889, 1890, entitled an act to amend and re-enact chapter 192, acts 1885, 1886, entitled an act to incorporate the town of Pulaski City.

Approved February 12, 1892.

Act amended. 1. Be it enacted by the general assembly of Virginia, That chapter three hundred and thirty-six of acts of assembly of eighteen hundred and eighty-nine and ninety, entitled "an act to amend and re-enact chapter one hundred and ninety-two of the acts of eighteen hundred and eighty-five, eighty-six, entitled an act to incorporate the town of Pulaski City, in the county of Pulaski," be amended and re-enacted so as to read as follows:

Name. 2. That the town of Pulaski, in the county of Pulaski, as the same heretofore has been, or may hereafter be laid off in lots, streets, and alleys, shall be made a town corporate by the name of Pulaski, and by that name shall have and exercise the powers conferred upon towns by chapter forty-four of the code of Virginia of eighteen hundred and eighty-seven, and all laws now in force or that hereafter may be enacted for the government of towns of less than five thousand inhabitants.

3. The boundaries of said town shall be : commencing at a point on the Norfolk and Western railroad one hundred yards west of the house of Cain Garner ; thence north

to the corner of the Thurston land, known as the "Three ^{Boundaries.} Oaks"; thence a direct line to the Altoona coal and iron railroad track, at a point about two hundred yards northwest of John Owen's house; thence a straight line to the house of Oscar Slade; thence a straight line to the northwest corner of the lands of the Midvale land company; thence around the northern and eastern boundaries of said company's land to the new road leading to Thorn Spring; thence, passing north of the house of Ira D. Hall, to the northwest corner of the lands of the Monticello land and improvement company; thence a straight line to a corner of the lands of the Pulaski land and improvement company and the lands of the Monticello land and improvement company on the north side of the Pepper's Ferry road; thence a straight line to the east end of the junction of the Cripple Creek railroad with the Norfolk and Western railroad; thence a straight line to a point on top of the ridge due north of the house of E. T. Boues; thence southeast a straight line so as to embrace the house of E. T. Boues within the corporate limits; a straight line to the south boundary of the lands of the Pulaski development company; thence a west course along south boundary of said lands to where same touches the lands of the Lake Spring land and improvement company's lands; thence around south boundary of same to line of the lands of the Martin land and improvement company; thence around the south boundary of the lands of the Martin land and improvement company to the southwest corner of the same; thence due west to a point due south from the point of beginning; thence due north to the place of beginning.

4. All lands contained in this area, and used strictly for ^{Farm lands—} farming purposes, shall not be eligible for taxation under ^{exemptions;} this corporation law, except for road tax. ^{exceptions.}

5. The officers of the said town shall consist of one mayor and six other citizens, who shall compose the council of said town; a sergeant, who shall be elected by said council, and such officers as they (the council) may deem necessary. The said council shall have power to pass all ^{Council—} by-laws and ordinances for the government of the town ^{powers of;} which they may deem necessary: provided that they are not ^{quorum.} in conflict with the laws of this state or the United States. The mayor and four members of the council (or in the absence of the mayor, five members of the council, one of whom shall act as chairman,) shall constitute a quorum for the transaction of business.

6. An election for mayor and councilmen shall be held ^{Elections.} on the fourth Thursday in May, eighteen hundred and ninety-two, and every two years thereafter. The officers so elected, and all officers elected or appointed by the council, shall begin their term of office on the first day of July succeeding their election, and shall hold their term

of office for two years, or until their successors are elected and qualified, except that the council may prescribe the terms of all officers elected or appointed by it. If any vacancy occur in the office of mayor or in the council, the same shall be filled by the council. But the present incumbent in the office of mayor and the members of the council shall continue in office and exercise all the powers conferred by this charter until the first day of July, eighteen hundred and ninety-two, or until their successors are duly elected and qualified; no citizen shall be eligible to be mayor or a member of the council unless he be a freeholder.

Qualifications
of voters.

7. Any person entitled to vote in Pulaski county, and residing within the corporate limits of the town of Pulaski six months next preceding any election, shall be entitled to vote at all elections under this act of incorporation. The mayor shall cause ten days' notice to be given of all elections by posting notices at three or more places in said corporation. The mayor shall appoint three qualified voters who shall preside as judges at corporation elections, and who shall have the right to appoint two clerks of election, as well as to decide the right of any individual to vote, and shall hold said elections between sunrise and sunset of the day on which said election shall be held.

Officers of
election.

Council—its
powers.

8. The council of the said town shall have all the general powers vested in it by the laws of the state; and it shall also have power to mark accurately the bounds of existing streets, and compel the removal of obstructions therefrom; to close or extend, widen or narrow, open, lay out and graduate, pave and otherwise improve streets and public alleys in the town; and for these purposes, upon first paying a just compensation therefor, it may take such private property as may be necessary; and no order shall be made and no injunction shall be awarded by any court or judge to stay the proceedings of the town in the prosecution of such works unless it be manifest that the interposition of a court is necessary to prevent injury that cannot be repaired in damages. The method of ascertaining what will be a just compensation for private property thus taken shall be as follows: After reasonable notice in writing by the clerk of the council to the owner of the freehold whose property is proposed to be taken, or to his tenant or agent, the mayor of the town shall at the time and place mentioned in said notice, proceed to appoint two freeholders of the town as commissioners, one of whom may be nominated by the owner of the freehold, or by his tenant or agent, if either be present, whose duty it shall be to view the property proposed to be taken, and ascertain what will be a just compensation therefor, and the damages to the residue of such owner's property beyond the peculiar benefits to be derived in respect to

Private prop-
erty—how
acquired for
public use.

such residue from the work to be done. The said commissioners, if they cannot agree, may select a third-freeholder as commissioner to act with them, and shall, as soon as possible, report their proceedings to the council. When such report has been returned, the council may, by a vote of a majority of its members, either reject or accept said report. If the report be rejected, the council may refer the matter to another commission, appointed in the same way and for the same purpose as the first. If the report be confirmed, the amount ascertained by it to be a just compensation for the property, shall be paid to those entitled thereto before work shall be begun on or through said property.

Condemnation—final proceedings.

9. The corporate limits of said town are hereby created and declared to be a separate and distinct road district of Pulaski county, and no road tax shall be levied on any property within said limits, except by the council of Pulaski, which tax shall be expended within the limits of the corporation, on the streets and roads therein, under the direction and supervision of said council.

Separate road district.

10. The council shall have the power to levy such taxes as it may deem necessary for the purposes of the corporation: provided that no tax upon the real and personal property in said town shall exceed one dollar on the one hundred dollars assessed value thereof, exclusive of road tax.

Taxes—limits of levy.

11. The said council shall have power and authority to provide for the interment of the dead, and to regulate the same. They may also establish a market and make ordinances for the management thereof. They shall have power to prevent the obstruction of streets, alleys, sidewalks, gutters, and so forth, by the hitching of horses, standing of wagons, or in any way whatever, by imposing a reasonable fine for such offences. They may also punish by fine, the firing of guns or pistols, the setting fire to powder and other combustible or explosive material, the running and fast driving of horses and other animals on the streets and alleys, and all else detrimental to the peace and good order of the town. They shall have power to prescribe rules for the orderly building of houses and their proper location, such as stables, water-closets, hog-pens, cattle-sheds, as well as dwellings, stores and shops. They shall have power to regulate the erection of chimneys, stoves and stove-pipes, and to abate and remove all nuisances at the expense of those who occasion them. They shall have power to prohibit all animals from running at large and beyond their owner's premises, and to pass all by-laws and ordinances not contrary to the constitution and laws of the commonwealth and of the United States, which said council may deem necessary for the carrying into effect such powers and privileges as

Cemeteries and markets.

May ordain by-laws for preservation of order, health, and morals of town.

have or may hereafter be vested in them. They shall also have power, before the mayor or acting mayor, to regulate the police, and to enforce all laws, by-laws and ordinances of the said town by a penalty not exceeding the penalties fixed by the commonwealth for like offences; said penalty or fine to be paid into the corporation fund. They shall have power to amend or repeal any by-law or ordinance, or remit any fine or taxes that may to them seem proper and just. Any ordinance or by-laws may be enforced by fine or imprisonment, or both, or in lieu of fine, by labor in chain-gang or otherwise, at the discretion of the mayor.

May remit
fines.

12. For the violation of any police law other than capital crimes and penitentiary offences, and for the violation of any special law relating to said town and not enumerated in this act, the said council shall have power to impose fines and collect the same, not to exceed fines imposed by state law for like misdemeanors; and may add to said fines imprisonment or hard labor, not to exceed the punishment imposed by the laws of the commonwealth for like offences; and all such fines shall constitute a part of the corporation fund.

May impose
fines.

13. The said council shall have power, whenever they may deem it expedient, to have the sidewalks, footways and gutters along any street or alley in said town of such width as they may prescribe properly paved and otherwise suitably improved, altered, or repaired, as they may think fit; one-half of the cost of which shall be paid by the owners or occupants of the said lands or lots along the front side of which such footways, sidewalks, and so forth, may extend, and to levy and collect for that purpose a special tax on each of such lands or lots proportioned to the number of feet of the same, which special tax shall be collected as taxes on real and personal property are by this act directed to be collected: provided, that before any owner or occupant of any land or lot in said town shall be required to make such payment, upon the terms above stated, or a tax levied on the same for such purpose, there shall be on such land or lot a dwelling or business house not less than will average fifteen feet square. And in all cases where the lessee or tenant shall pay the expense of any such pavement or improvement, the amount of said expense shall be an offset or credit against a like amount of rent due or that may accrue.

Paving—prop-
erty holders to
be assessed for
portion of cost.

Unpaid taxes a
lien.

14. All taxes, whether general or special, assessed upon any property in said town under the provisions of this act are hereby declared to constitute a lien on such property; and if the sergeant or other legally authorized collector has not been able with due diligence to collect the same by the first day of December of the year in which the same were assessed, he shall, at the first meeting of the

council thereafter, make return upon oath of the taxes he has failed to collect and the property upon which such uncollected taxes were assessed, and thereupon the council shall have the same remedy against the property of said delinquents as this commonwealth has in similar cases.

15. The said council shall have power to provide for the order and quiet of the Sabbath, to punish drunkenness, swearing, boisterous and noisy conduct, any interference with religious worship, and any other offence against decency and good morals, by proper penalties, and to prohibit the sale of intoxicating drinks within the corporate limits or one mile thereof: provided, that any fine imposed on a minor shall be paid by his parent or guardian.

Boisterous conduct punishable.

16. All fines, penalties, and amercements, and other moneys raised and received by virtue of this act, and not otherwise directed to be applied, shall be at the disposal of said council for the benefit of the town.

Moneys received to go to town treasury.

17. The said council shall have power to fix and regulate the compensation and salaries of officers, and the wages paid for hire of teams, labor, and so forth.

Salaries—council may fix.

18. The council may, in the name of and for the use of the town, contract, or cause to be issued, certificates of debt or bonds: provided no such certificates of debts or bonds shall be issued except by a two-thirds vote of the council, endorsed by a majority of the freehold voters voting on the question; but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four years: provided, further, that said council shall not contract said loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvements or other purposes without being first authorized so to do by three-fourths of the freehold voters of the town on the question: provided, further, that in no case shall the aggregate debt of the town at any one time exceed seventeen per centum of the assessed value of the property, real and personal, within the town limits: and provided, further, that the said council shall not endorse the bonds of any company whatsoever without the same authority. All contracts for the erection of public improvements within the jurisdiction of the town council shall be let to the lowest responsible bidder, and notice shall be given at least thirty days before the work is finally let, by advertisement in a newspaper published in the town or county, and the party to whom said contract shall be let shall give such bond as the council may require; but in no event shall any contract be let to any member of the town council, nor shall any member have any interest in such contract.

Bonds may be issued and sold.

Contracts to let after advertisement.

19. It shall not be lawful to sell, barter, or in any way dispose of intoxicating liquors of any kind within the

Intoxicating
liquors—their
sale and traffic
is prohibited.

corporate limits of Pulaski, or within one mile thereof; nor shall it be lawful to solicit orders, or to receive orders, or to take orders unsolicited for the sale of liquors of any kind within the corporate limits of Pulaski; nor shall any person receive money or any other commodity in payment for any intoxicating liquors within said corporate limits; nor shall it be lawful for any one to keep liquors deposited in any place in said corporation for sale, barter, or exchange, either directly or indirectly. Any violation of this section shall be deemed a misdemeanor, for which a fine may be imposed not exceeding twenty dollars.

Water-works
and sewerage—
town may con-
struct.

20. The council is hereby empowered to establish water-works within the corporate limits of said town, and to provide, locate, purchase, and erect and maintain all works necessary or proper for introducing water into said town and neighborhood; to purchase, locate, erect and maintain buildings, cisterns, reservoirs, pipes, pipe-lines, and conduits for the reception, conveyance, and distribution of water within said corporation and neighborhood, and acquire, by lease or purchase, all property, real and personal, necessary for said purposes; and, for value, to furnish water to individuals, firms and companies; to construct, establish, and operate within said town an electric light plant or other system for lighting the streets and grounds within said town, and, for value, to furnish lights to firms, individuals, and companies; to locate, lay-out, establish, and construct a proper and sufficient system of drainage for the town within said town; and for the accomplishment of all or any of the purposes named in this section, the council shall have power to execute and issue, negotiate, and sell the bonds of said town, not to exceed the limit provided by section one thousand and thirty-nine of code of Virginia of eighteen hundred and eighty-seven, which bonds shall not run exceeding thirty-four years from the date of issue, and the said bonds shall bear interest not exceeding the rate of six per centum per annum, payable semi-annually. The said bonds, when issued, shall state for what purpose issued, and shall constitute a lien upon the entire property of the town. But no such work shall be so undertaken or bonds issued except upon the petition of at least a majority of the freeholder residents within the limits of said town.

Educational
institutions—
council may
establish.

21. The said council shall have power to establish or to assist in the establishment of an educational institution within the corporate limits of said town, and in order thereto, the said council shall have power to borrow money, not exceeding ten thousand dollars, and to execute and issue bonds of said town for the payment thereof, either coupon or registered, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, which bonds may be payable on or before the expi-

ration of twenty years from their date; and to provide for the payment of the interest and principal when due, an annual tax shall be assessed and levied and a sinking fund provided: provided, however, that no such bonds shall be issued for said purposes by said council except upon the petition of at least three-fourths of the freeholders of said town.

22. This act shall be in force from its passage.

Commencem't.

CHAP. 189.—An ACT to incorporate the Roanoke, Salem and Western railroad company.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, That John W. Allemong, James S. Simmons, James C. Langhorne, E. H. Stewart, A. M. Bowman, Joseph A. Gale, W. T. Younger, Lucian H. Cocke, D. B. Strouse, J. T. Engleby, S. F. Simmons and Henry S. Trout, or such of them as may accept the provisions of this act, and such other persons and corporations as may hereafter become associated with them, in the manner hereafter provided, shall be, and they are hereby, constituted a body corporate by the name of the "Roanoke, Salem and Western railroad company," and by that name shall have all powers, rights and franchises necessary and proper to construct, equip, maintain, and operate a railroad to be known as the Roanoke, Salem and Western railroad, which may commence at some point on the Richmond and Alleghany railroad, in the county of Botetourt, or may commence at the city of Roanoke. If the road be commenced on the Richmond and Alleghany railroad, it shall extend by and within the cities of Roanoke and Salem, or, if it commence at Roanoke, it shall be extended by and within the city of Salem; thence to the county of Craig or Montgomery, thence by such route as the company may determine, to some suitable point on the line of the state of Kentucky or Tennessee. And the said company shall have power to purchase and hold mineral and timber lands, or any interest therein, in order to furnish tonnage to its road, and to lease or sell the same; but the said company shall not have the right to hold at one time more than twenty-five thousand acres in any one county in the state.

Corporators.

Route.

2. The capital stock of the company shall not exceed five million dollars, to be divided into shares of one hundred dollars each, each share being entitled to one vote; and it shall be lawful for the persons hereinbefore named,

Capital stock—
how divided;
par value.

or any seven of them, to organize the company by the election of a president and board of directors, and such other officers as may be necessary; and thereupon they shall have and exercise all the general powers and functions of a corporation, and be subject to all the restrictions imposed by the laws of the state applicable to internal improvement companies, except so far as the same may be changed or modified by this act. But the said company shall not commence the construction of the said road until there is subscribed, by individuals or corporations, at least the sum of two hundred and fifty thousand dollars, and at least ten per centum thereof actually paid in, and any connecting railroad company which is authorized by its charter to subscribe to works of internal improvement, with the assent of this company, may subscribe to the said stock, and subscriptions thereto be made in money, materials, or land, or any interest therein.

Bonds may be
issued.

3. The board of directors shall have power to issue bonds in sums of not less than one hundred dollars each, bearing interest at not exceeding six per centum per annum, the principal and interest payable at such times and places as the board of directors may determine, and may secure the same by one or more mortgages on the road, franchises, incomes, and real and personal property of the company (or the same may be guaranteed by other railroad companies), or such parts thereof as may be designated in the mortgages, and may lease or convey its rolling stock, equipments, property, and franchises, or any of them, to any other company or companies.

Work to com-
mence—when.

4. The said company is required to commence the construction of its road within two years from the first day of April, eighteen hundred and ninety-two, and complete the same in five years thereafter. The cities, towns, corporations, and counties lying along the line adopted by this company shall have the right to subscribe to the capital stock thereof to the extent and in the form and manner now provided by law.

5. The said company shall have the right to construct branch lines from its main line: provided no such branch line shall exceed twenty miles in length.

Taxes to be
paid in cash.

6. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

Reservation.

7. The general assembly of Virginia reserves the right to alter or repeal this act at any time hereafter.

Commencem't.

8. This act shall be in force from its passage.

CHAP. 190.—An ACT to incorporate the trustees of Shenandoah tribe, number 54, improved order of Red men, of Lovettsville, Virginia.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, ^{Corporators.} That J. H. Swope, P. S. Grove, G. W. Wiard, and their successors, be, and they are hereby, appointed a body politic and corporate, by the name and style of the trustees of Shenandoah tribe, number fifty-four, improved order of Red men, of Lovettsville, Virginia, and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, may acquire, receive, hold, possess and enjoy, and may rent, sell, convey and otherwise manage or dispose of, all lands, money or other property, real or personal, which may hereafter be given or otherwise acquired by them for the use of said tribe of improved order of Red men; and the said trustees shall hold their office only so long as they shall remain members of the said tribe: provided that the amount of land held by them shall not exceed two acres; and provided that the sum of money acquired by them shall not exceed three thousand dollars.

2. The said tribe, at any meeting called by the sachem for this purpose, shall have power to fill all vacancies in the board of trustees, the persons to fill such vacancies to be chosen from the membership of said tribe. ^{May fill vacancies.}

3. Whenever the said tribe shall surrender its charter to the great council of Virginia, or from any other cause shall cease to exist, the said trustees, or a majority of them, shall have authority to sell and convey the land and other property held by them for the use of said tribe, and distribute the money belonging to said tribe ratably among the members in good standing at the time of such surrender of the charter. ^{Property—how distributed in event of abolishing lodge.}

4. Two trustees shall constitute a quorum for the transaction of any business under this act. ^{Quorum.}

5. This act shall be in force from its passage. ^{Commencement.}

CHAP. 191.—An ACT to authorize the council of the town of Rocky Mount to levy a tax to pay a subscription to the Roanoke and Southern railway company.

Approved February 12, 1892.

Whereas by a vote taken on the fourteenth day of June, eighteen hundred and ninety, in the town of Rocky Mount, a subscription of twenty thousand dollars was voted by ^{Preamble.}

the people of said town to the stock of the Roanoke and Southern railway company, for the purpose of constructing the railway known as the Roanoke and Southern railway; and whereas it is suggested that said subscription may require the imposition of an annual tax in excess of the amount on the one hundred dollars worth of taxable property specified in section twelve hundred and forty-three of the code of Virginia of eighteen hundred and eighty-seven; therefore,

1. Be it enacted by the general assembly of Virginia, That said subscription is hereby made valid and effectual, and the council of the town of Rocky Mount, be, and they are hereby, authorized to carry out the wishes of the voters of said town as expressed by said vote, or which may be hereafter expressed by the voters of said town, and to assess and levy such annual tax as may hereafter be made, the limitation of the amount of taxation as prescribed in section twelve hundred and forty-three of the code of Virginia of eighteen hundred and eighty-seven, to the contrary notwithstanding.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 192.—An ACT to define the line between the magisterial districts of Atlantic and Metompkin, in the county of Accomac.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, That the ditch beginning at the road-bed of the New York, Philadelphia and Norfolk railroad company, just south of the village of Hallwood, in the county of Accomac, and thence running in a westernly direction, which ditch has been recently cleared out and enlarged by said railroad company, be declared the line between the magisterial districts of Atlantic and Metompkin, in said county.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 193.—An ACT to amend and re-enact section 4 of chapter 315 of an act entitled an act to incorporate the town of Cape Charles, in the county of Northampton, approved March 1, 1886.

Approved February 12, 1892.

Section
amended.

1. Be it enacted by the general assembly of Virginia, That section four of chapter three hundred and fifteen of an act entitled "an act to incorporate the town of Cape

Charles, in the county of Northampton," approved March the first, eighteen hundred and eighty-six, be amended and re-enacted so as to read as follows:

§ 4. The mayor and councilmen shall constitute the ^{Quorum.} council of the said town, a majority of whom shall constitute a quorum to do business, and all the corporate powers of the said town shall be exercised by the said council or under its authority, except where otherwise provided for by law. The mayor shall be president of the council, and shall have all the rights, powers, and privileges conferred upon such officer by the general laws of this state for the government of towns of less than five thousand inhabitants. *He and the other members of the council shall each be clothed with all the power and authority of a justice, in civil matters, within the corporate limits of the said town, and in criminal matters within the said limits and one mile beyond the same. All fines, penalties, or imprisonments for violation of the by-laws or ordinances of the said town, or the laws of this state, shall be recovered before, or enforced under the judgment of, the said mayor or councilmen, as the case may be, and for that purpose, he, or either of them, may issue process in the same manner as a justice, and for such services shall be entitled to the same fees as a justice for like services performed. The mayor shall have no vote in the council, except in case of a tie vote. All vacancies which may occur in the offices of mayor or councilmen shall be filled by the said council. The mayor and councilmen shall hold their respective offices for a term of one year from the first day of July next succeeding their election, and until their successors are elected and qualified.* ^{Shall have powers of a justice.}

2. This act shall be in force from its passage.

Commencem't.

CHAP. 194.—An ACT to incorporate the Norfolk society for the prevention of cruelty to animals.

Approved February 12. 1892.

1. Be it enacted by the general assembly of Virginia, That W. F. Irvine, James E. Heath, B. P. Loyall, John L. Roper, M. K. King, C. E. Jenkins, L. T. Gwathmey, R. Y. Zachary, E. K. Robertson, W. A. Edwards, L. C. Kilby, C. Billups, W. R. Mayo, Ethan Allen, K. C. Murray, D. Lowenberg, C. H. Ramsey, Geo. W. Taylor, W. W. Vicar, N. M. Osborne, M. Glennan, M. L. T. Davis, George C. Billups, all of the city of Norfolk in the state of Virginia, and such other persons as are now, or may hereafter be, associated with them and their successors, be, and they are

hereby, constituted a body corporate under the name and style of the Norfolk society for the prevention of cruelty to animals, and by that name shall have perpetual succession and a common seal.

Object.

2. The object of the said corporation shall be the prevention of cruelty to animals.

Corporate powers.

3. The said corporation may sue or be sued, contract and be contracted with, may acquire by purchase, gift, devise, or bequest, property, real or personal, and may lease, manage, control, exchange, mortgage, sell, convey, or dispose of said property. The value of real property to be held by said corporation at any one time shall not exceed the sum of twenty-five thousand dollars, and the amount of personal property shall not exceed ten thousand dollars.

4. The officers of the said corporation shall consist of a president, five vice-presidents, one secretary, one treasurer, who, together with the counsel of said corporation, shall be ex-officio members of the executive committee, which committee shall consist of ten members in addition to the ex-officio members above named.

5. The foregoing officers shall be chosen from among the members of the society in such manner as its by-laws may prescribe.

Library.

6. A library may be created for the use of the society.

7. The said society, for fixing the terms of admission of its members, for the government of the same, for the elections, changing and altering the officers above named, and for the general regulation and management of its affairs, shall have power to form a code of by-laws not inconsistent with the laws of the state of Virginia, or of the United States, which code, when formed and adopted at a regular meeting, shall, until modified or rescinded, be equally binding as this act upon the society, its officers and members.

Commencement.

8. This act shall be in force from its passage.

CHAP. 195.—An ACT to allow the treasurers of Northampton and Accomac counties additional time to levy for, and collect tax bills, county levies, held by said treasurers for the years 1887, 1888, 1889, 1890 and 1891, and as to which they have settled with the auditor and boards of supervisors without returning the same delinquent.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, That John B. Williams and John J. Blackstone, late treasurers of Northampton and Accomac counties, may,

within one year from the passage of this act, distrain for and collect any uncollected tax tickets still in their hands and not returned delinquent, for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, eighteen hundred and ninety and eighteen hundred and ninety-one.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 196.—An ACT to authorize the school trustees of Newport school district, in the county of Warwick, to borrow money and issue bonds therefor.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of school trustees of Newport school district, number one, in the county of Warwick, to borrow money not to exceed the sum of two thousand five hundred dollars, and to issue bonds therefor, to bear interest at a rate not greater than six per centum per annum.

Bonds may be issued.

2. That the money so borrowed by the said board shall be expended for the purpose of improving, enlarging and building school-houses within the limits of said school district, and in paying such debts as have heretofore been contracted for the purpose aforesaid.

Loans—how to be expended.

3. That the said bonds shall be issued in such denominations as the said board shall prescribe, and bear interest not to exceed six per centum per annum, payable annually, and the principal thereof to be paid in not less than five nor more than twenty years after date, the said board to reserve the privilege of paying the same at any time, and shall be in the form following:

"Know all men by these presents, That Newport school district, number —, of the county of Warwick, is justly indebted to —, a bearer, in the sum of — dollars, redeemable at the pleasure of the board of school trustees of said district, and payable on the — day of —, to bear six per centum interest from date, payable annually.

"In testimony whereof the board of school trustees of the said district have caused the corporate seal of said district to be affixed hereto, and these presents to be signed by its chairman and attested by its clerk, this — day of —;" and shall be signed by the chairman and clerk of the said board, and have the corporate seal of the said district affixed thereto.

4. That when the said bonds shall be issued in accordance with this act, the property of the said school district

shall be pledged for the payment of the principal and interest thereof, according to their tenor and date. And the said board of school trustees shall provide for the payment of the accruing interest and at least one-twentieth of the principal of the said bonds annually, and shall include in the annual estimate of the amount of money which will be needed in said district under clause eight, section fourteen hundred and sixty-six of the code of eighteen hundred and eighty-seven, a sufficient sum for that purpose in addition to what shall be necessary to defray other lawful expenses therein mentioned, which sum shall be appropriated to the payment of the said interest, and provide for a fund for the redemption of the said bonds.

Bonds not to be
sold below par.

5. That the said bond or bonds may be issued and sold by the said board for the purpose of raising the said sum of money: provided that they shall not be sold for less than their par value.

Commencem't.

6. This act shall be in force from its passage.

CHAP. 197.—An ACT for the relief of John Q. Adams, of Nelson county.

Approved February 12, 1892.

Preamble.

Whereas John Q. Adams was convicted at the October term, eighteen hundred and ninety, of Nelson county court of an assault, and fined fifty dollars and costs, and sentenced to fifteen days' imprisonment in jail, which imprisonment he has served, but the fine, together with the costs attending the prosecution, is still unpaid;

And whereas said Adams is a very poor man, with a large family to support, and every member of the jury which convicted him has united in a petition asking that the said cost of prosecution be released; therefore,

Beneficiary.

1. Be it enacted by the general assembly of Virginia, That John Q. Adams be, and he is hereby, released and discharged from the payment of the aforesaid fine upon condition that he discharge all the cost of said prosecution.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 198.—An ACT to make the bridge at Shenandoah, Virginia, a toll bridge, &c.

Approved February 12, 1892.

Preamble.

Whereas there has been constructed and completed over the Shenandoah river, at the town of Shenandoah, Vir-

ginia, by the West Shenandoah land company, a substantial iron bridge, connecting the counties of Rockingham and Page, at a cost of fifteen thousand dollars;

And whereas said cost of construction has never been paid, and said West Shenandoah land company is unable to pay for the same;

And whereas said bridge is a great public convenience, and the said bridge cannot be opened for use by the public until the said cost of construction is paid;

And whereas said West Shenandoah land company desires to pay said cost of construction with tolls collected from said bridge, and proposes, after receiving sufficient tolls to pay said cost of construction, to dedicate said bridge to the public as a free bridge; now, therefore,

1. Be it enacted, That said iron bridge be, and is hereby, made a toll-bridge, with the right to West Shenandoah land company to charge and receive tolls for passage over the same at the rates hereinafter fixed: provided, however, that said bridge continue as a toll-bridge only until said company shall have received tolls amounting to fifteen thousand dollars, exclusive of the cost of operating said bridge, collecting said tolls, and keeping said bridge in repair.

Tolls to be charged—when to cease.

2. When said sum of fifteen thousand dollars shall have been received by said West Shenandoah land company, as provided in the preceding section, the said bridge shall be opened to the public, as a free bridge, by the order of the county courts of Rockingham and Page counties.

3. The West Shenandoah land company shall keep an accurate account of all tolls received from said bridge, which shall be open at all times to the inspection of the county courts of Rockingham and Page counties; and said West Shenandoah land company shall make report of said account of tolls to the said county courts on the first day of July and the first day of January of each year hereafter.

Shall report to county court.

4. The rates of toll on said bridge shall be as follows: For every male or female person, two cents; for all cattle, one cent per head up to twenty, and one-half cent per head in excess of twenty head; for each horse, mare, mule, or gelding, two cents; for every wagon (empty or loaded) for every animal drawing the same, five cents; for every one-horse four-wheel riding carriage, ten cents; for every two-horse four-wheel riding carriage, fifteen cents; for every one-horse spring wagon, ten cents; for every two-horse spring wagon, fifteen cents; for every carriage tied to another vehicle, five cents; for every cart five cents; for every two-wheeled carriage, ten cents; for each engine, machine, wagon or other vehicle, moved or drawn by steam power, in whole or in part, ten cents for every

Rates of toll.

wheel of such engine, machine, wagon, or other vehicle moving over the bridge.

Use of coupons
prohibited.

5. All taxes or other dues to the state of Virginia shall be paid in good and lawful money of the United States, and not in coupons.

Commencem't.

6. This act shall be in force from its passage.

CHAP. 199.—An ACT to incorporate the Tenneva club of Bristol, Virginia.

Approved February 12, 1892.

Corporators.

1. Be it enacted by the general assembly of Virginia, That A. W. Morris, S. L. King, H. H. Sheen, E. G. Scripture, A. C. Holliday, H. E. McCoy, I. H. Winston, junior, and such other persons as may become associated with them, are hereby constituted a body politic and corporate by the name of the Tenneva club, to be located in the city of Bristol, Virginia, for the promotion of social intercourse and for the purpose of maintaining a literary and reading room.

May adopt by-
laws, etc.

2. The said corporation shall have the power to make and adopt a constitution and by-laws, rules and regulations for the admission and expulsion of its members and their government, the election of its officers, and to define their duties, and for the safe-keeping and protection of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations: provided, that the same be not inconsistent with the constitution and laws of the United States, or of the state of Virginia.

3. The said corporation may purchase and hold or lease any real or personal estate, provided that they shall not hold any real estate exceeding one acre of land.

4. All taxes and debts due the commonwealth shall be paid in lawful money of the United States, and not in coupons.

Commencem't.

5. This act shall be in force from its passage.

CHAP. 200.—An ACT to provide a new charter for the city of Roanoke.

Approved February 12, 1892.

CHAPTER I.

Boundaries.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the following limits, namely: Beginning at the intersection of the present cor-

poration line with the road leading to Colonel Tayloe's residence, thence along said road to the eastern corner of the lands of the Belmont land company, thence with the southeastern boundary line of same and continuing same course through the land of the Roanoke land and improvement company to the south bank of Roanoke river, thence up the river with the south bank thereof to the western boundary line of the Roanoke iron company's land; thence along same and across the Norfolk and Western railroad to the northern boundary of said road; thence along the northern side of said railroad land to the Sexton farm; thence with the western boundary of said farm to the Salem turnpike, at the southwestern corner of the land of the Melrose land company, thence with the northern and western boundary lines of said company's land to the Salem turnpike and present corporation line; thence with present corporation line to the Linwood tract; thence with the western and northern boundary lines of same and crossing the Shenandoah Valley railroad to Tinker creek; thence down said creek to the present corporation line; thence with the same to the beginning; shall be deemed and taken as the city of Roanoke, and the inhabitants of the city of Roanoke for all purposes for which towns and cities are incorporated in this commonwealth shall continue to be one body politic in fact and in name under the style and denomination of the city of Roanoke, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent upon and pertaining to said city as a municipal corporation.

2. The said city of Roanoke shall be divided into five (5) wards, as follows:

The first ward shall consist of all that portion of the city embraced within the following boundary: Beginning at a point on the Norfolk and Western railroad north of J. M. Gambill's mill; thence with the eastern side of said mill to Roanoke street; thence with Roanoke street to Franklin street; thence with Franklin street to the south bank of Roanoke river at the iron bridge; thence with the south bank of said river westwardly to the Norfolk and Western railroad at the corner of the Roanoke iron company's property; thence with the Norfolk and Western railroad to the beginning.

Wards—boundaries.

The second ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of Jefferson street and the Norfolk and Western railroad; thence with said street southward to Roanoke river at the Crystal Spring land company's bridge; thence with the south bank of said river westward to Franklin street; thence with the east line of the

Second ward.

first ward to the Norfolk and Western railroad; thence with the said railroad to the place of beginning.

Third ward.

The third ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of Henry street and the Norfolk and Western railroad; thence northward with Henry street to Gilmer street; thence with Gilmer street eastwardly to Henry street; thence with said street and Gainesborro road to Peach Tree street; thence with said street to the Lynchburg turnpike; thence north to the northern boundary line of the city; thence eastwardly with said line to Tinker creek; thence with said creek to the Norfolk and Western railroad; thence with the south track of said road to the place of beginning.

Fourth ward.

The fourth ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of Jefferson street and the Norfolk and Western railroad; thence with the said railroad easterly to Tinker creek; thence with the corporate line to the south bank of Roanoke river; thence with the south bank of the said river to Jefferson street; thence with Jefferson street to the place of beginning.

Fifth ward.

The fifth ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of Henry street and the Norfolk and Western railroad; thence with the western boundary line of the third ward to the northern boundary of the city; thence with the said boundary line westwardly and southwardly to the Norfolk and Western railroad; thence with the said railroad to the place of beginning.

CHAPTER II.

Mayor and council.

1. The administration and government of said city shall be vested in one principal officer, to be styled "mayor," one body to be called the "common council for the city of Roanoke," and any such other bodies and officers as are hereinafter mentioned or which may be provided for by the common council.

2. The municipal officers of said city shall consist of a mayor, twenty common councilmen, a police justice, a treasurer, an auditor, a clerk of the hustings court, a sergeant, a commissioner of the revenue, one justice of the peace for each ward, one constable, a commonwealth's attorney, a clerk of the market, a city solicitor, and a city engineer.

When elected.

3. The mayor, sergeant, commonwealth's attorney, justices of the peace, and constable shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-two, and every two years thereafter; the treasurer shall be elected by the

qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-three, and every three years thereafter; the clerk of the hustings court shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-six, and every six years thereafter; the commissioner of the revenue shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-four, and every four years thereafter.

4. At the general election to be held on the fourth Thursday in May, eighteen hundred and ninety-two, there shall be elected twenty councilmen, ten of whom shall hold office for one year, and ten for two years, and thereafter ten councilmen shall be elected each year at the said general election, whose term of office shall be two years. The councilmen so elected under this act shall be elected by a popular vote of the qualified voters of the city of Roanoke, each ward to elect its own councilmen, and to be represented in said council by an equal number. The present members of the council shall continue in office and exercise the powers vested in them by law until the aforesaid twenty councilmen shall, after election on the fourth Thursday in May, eighteen hundred and ninety-two, have entered upon the discharge of their duties on the day prescribed by this act. Councilmen—
when elected.

5. The election for all of the foregoing officers shall be held under and pursuant to the general laws of the state.

6. The term of office of said officers shall begin on the first day of July succeeding their election.

7. The common council shall elect a city engineer, city solicitor, clerk of the markets, an auditor, and a police justice, the first of whom shall hold office for three years, the second two for one year, and the last two for two years, and the common council shall elect such other officers as it may deem expedient for the proper conduct of the affairs of the city and in the execution of the powers herein-after conferred upon it, and prescribe their term of office. Minor officers,
how elected.

8. The term of office of those officers mentioned in the preceding section, and all other officers elected by the council, shall begin on the first day of August succeeding their election.

CHAPTER III.

1. The council shall, annually, elect one of its members to act as president, and when from any cause he shall be absent, it shall elect a president pro tempore.

The president shall have the power to call a meeting of the council whenever he deems it necessary; and in case of his absence, inability, or refusal, the council may be convened by the order of the clerk, upon request of any five members in writing, but no special meeting shall be Duties of president.

convened until notice has been served upon each member of the council in person or by leaving a copy of same at his place of abode.

The council shall by ordinance fix the time for holding their stated meetings, and no business shall be transacted at a special meeting but that for which it shall have been called.

Powers of
council.

The council shall have the authority to adopt such rules and to appoint such officers and committees or clerks as it may deem proper for the regulation of their proceedings and convenient transaction of business; to compel the attendance of absent members; to punish its members for disorderly behavior, and by a vote of three-fourths of the body to expel a member for malfeasance or misfeasance in office. They shall keep a minute book in which the clerk shall note the proceedings of each session, and shall record such proceedings at large in the record book, and keep the same properly indexed. The meetings of the council shall be open to the public except when the public welfare shall require secrecy. A majority of the members of the council shall constitute a quorum for the transaction of business; but no ordinance shall be passed or resolution adopted having for its object the appropriation of money except by a concurrence of a majority of the council. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless there be at least fifteen members present and twelve concur therein.

The council shall have, subject to the provision given in this act, the control of the fiscal and municipal affairs of said city, and all property, real and personal, belonging to said city, and may make such ordinances and by-laws relative to the same as they shall deem proper; and they shall likewise have power to make such ordinances, orders, by-laws, and regulations as they may deem necessary to carry out the following powers which are hereby vested in them.

May establish
markets and
control them.

First. To establish a market or markets in and for said city, and appoint proper officers therefor; prescribe the times and places for holding the same; provide suitable buildings and grounds therefor, and to enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrating.

May erect
houses of cor-
rection.

Second. To erect and provide in or near said city suitable workhouses, houses of correction and reformation, and houses for the reception and maintenance of the poor and destitute; and they shall possess and exercise authority over all persons receiving or entitled to the benefit of the poor laws; appoint necessary officers and other persons proper to be connected with the aforesaid institutions, and regulate pauperism within the limits of the city; and the council, through the agency they shall appoint

for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Third. To erect and keep in order all public buildings necessary or proper for said city; to erect within the city a city prison, and said prison shall contain such apartments as shall be necessary for the safe-keeping of all persons confined therein.

Fourth. To establish or enlarge water-works, electric lights, and gas-works within or without the limits of the city; to contract and agree with the owners of any land for the use and purchase thereof, or have the same condemned according to law, for the location, extension, or enlargement of their said works, the pipes connected therewith, or any fixtures or appurtenances thereof, and shall have the power to protect from injury, by ordinance prescribing adequate penalties, the said works, pipes, fixtures, and land, or anything connected therewith, or works, fixtures, and other appurtenances of water or gas companies established under their authority, whether within or without the limits of the said city. Gas and electric plants.

Fifth. To open, close, improve, widen or narrow streets, avenues and alleys, and have them kept in good order and properly lighted, make sidewalks, build bridges, culverts, and sewers within the said city, or cause to be graded, paved, or macadamized any public street, avenue, or alley or parts thereof, which is now or may be hereafter laid out and opened in said city, and have the same set with curbstone, and shall have power to provide for the payment of any such improvements out of the general revenue, or by assessments on the real estate benefited thereby, as to the judgment of the council shall seem expedient; and over any street or alley in the city which has been or may be ceded or conveyed to the city by proper deed, they shall have like power and authority as over other streets and alleys. They may prevent the building of or remove any structure, obstruction, or encroachment over or under or in any street, sidewalk, or alley in said city, and may permit shade trees to be planted along said streets; but no company or individual shall occupy with its or his works, or any appurtenances thereof, the streets, sidewalks, or alleys in the city without the consent of the council duly entered upon its record book. Regulate streets and bridges.

Sixth. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the city in any manner whatever.

Seventh. To determine and designate the route and grade of any railroad to be laid in said city, and to restrain and regulate the rate of speed of locomotive engines and cars upon the railroads within the said city. Regulate railroads.

Regulate
weights.

Eighth. To make provision for and regulate the weighing of hay, fodder, oats, shucks, or other long forage. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

Sealer—his
duties.

Ninth. To require every merchant, retailer, trader, and dealer of merchandise or property of any description which is sold by weight or measure, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection, and may impose penalties for any violation of any such ordinance.

May erect hos-
pitals and regu-
late quarantine

Tenth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals or subscribe funds for the maintenance of private hospitals; to provide for and enforce the removal of patients to the hospital or hospitals established by the city, or to which the city has subscribed; to appoint and organize a board of health of said city, and clothe it with authority necessary for the prompt and efficient performance of its duties.

Nuisances.

Eleventh. To require and compel the abatement and removal of all nuisances within said city, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be, and collect said expense by suit or motion; to prevent and regulate slaughter-houses, soap and candle-factories within said city, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment therein, and to regulate the transportation of coal and other articles through the streets of said city.

Owners to be
compelled to
remove stag-
nant water.

Twelfth. If any ground in said city shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers, thereof shall permit any offensive or unwholesome substance to remain or accumulate therein, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the city authorities or their agents, in which case the city shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected, or by suit or motion: provided, that reasonable notice shall first be given to said owner or owners, or his, her, or their agent or agents. In case of non-resident owners who have no agents in said city, such notice may be given by publication for not less than ten (10) days in any newspaper in said city, and all expense of such publication to be paid by the owner or occupier as above. The occupier of such

premises shall only be compelled to pay for the same an amount not exceeding the amount due by him for rent, and he shall have the right to offset any amount he may have so paid against the rent due the owner of the premises.

Thirteenth. To direct the location of all buildings for storing gunpowder and other combustible and explosive substances, and to regulate the sale and use of gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid, or other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of lights and candles in barns, stables, and other out-buildings, and to restrain the making of bon-fires in streets and yards.

May regulate storage of combustibles.

Fourteenth. To prevent hogs, dogs, and other animals from running at large in said city, and may subject the same to confiscations, regulations, and taxes as they may deem proper.

May regulate running at large of animals.

Fifteenth. To prevent the riding and driving of horses or animals at an improper speed, throwing stones, or engaging in any employment or sport on the streets, sidewalks, or public alleys, dangerous or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses or other animals in said city.

May regulate speed of vehicles, etc.

Sixteenth. To restrain and punish drunkards, vagrants, and street-beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame, and gambling-houses; to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said city, and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

May pass police regulations.

Seventeenth. To prevent, forbid, and punish the selling or giving of liquors and intoxicating drinks to be drunk in any public place not duly licensed, and the selling or giving to be drunk any intoxicating liquors to any child or minor, and the selling or giving of cigarettes to any minor under fifteen years of age; and for any violation of any such ordinance may impose fines in addition to those prescribed by the laws of the state.

May regulate liquor traffic.

Eighteenth. To prevent the coming into the city of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the city.

Vagrants may be excluded.

2. First. Any member of said council being voluntarily absent from its meetings consecutively for three months, the seat shall be deemed vacant, and the unexpired term shall be filled according to law.

Councilmen may be removed.

Second. The city council is empowered to hold such lands as may have already been acquired by the city of

Burial of dead
to be provided
for.

Roanoke to be used as a place for the burial of the dead, and to acquire, by purchase or otherwise, such additional lands as may be necessary for that purpose. The said council shall also have the power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the state, for the use, protection, preservation, and ornamentation of the cemetery or cemeteries; to set aside, in their discretion, by metes and bounds, a portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease, and to prescribe what class and condition of persons shall be admitted to interment in the cemetery or cemeteries. The cemetery or cemeteries, when established or enclosed with the property included in it or them, shall be exempt from all state, county and municipal taxation.

Penalties—
council may fix

3. Where, by the provisions of this act, the council have authority to pass ordinances on any subject, they may prescribe any penalty not exceeding five hundred dollars for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the jail of the city for a term not exceeding ninety days, which penalties may be prosecuted and recovered with costs, in the name of the city of Roanoke, or shall compel them to work on the streets or other public improvements in the said city. The accused, if convicted, shall have the right of appeal to the hustings court of said city.

Private prop-
erty to be paid
for when taken

4. The council shall not take any private property for public purposes without making to the owner thereof just compensation for the same; and where the council cannot, by agreement with the owner, obtain the title to or the use of such property for such purposes, it shall be lawful for said council to institute and prosecute proceedings for the condemnation thereof according to law.

Encroachments
may be
removed by
council.

5. In every case where a street in said city has been or shall be encroached upon by any fence, building, or otherwise, the council may require the owner (if known, or, if unknown, the occupant of the premises encroaching) to remove the same; and if such removal be not made within the time prescribed by the council, they may impose a penalty of five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same process that they are hereinafter empowered to collect taxes, or by suit or motion; and whatever amount the occupant or tenant shall have to pay therefor, for said amount he shall have a valid and lawful offset against the rent due or to become due to his landlord.

6. Whenever any street or lane in said city shall have been opened to and used as such by the public for a period of five years, the same shall thereby become a street, alley, or lane for public purposes, and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, and lanes laid out by them, and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said city by a plan or plat or record, or which has been filed in the clerk's office of the corporation court of the city of Roanoke, shall be deemed and held to be dedicated to the public use, unless it appears by said record that the said street or alley so reserved is designed for private use. But upon a petition of a majority of the persons interested therein, the council shall have the power to open the same for the use of the public, and a map thereof shall be filed with the city engineer in case the same is opened for the public.

7. Whenever any new street shall be laid out, or street paved or graded, culverts or sewers built, or any other public improvements whatsoever made, the council shall determine what portion, if any, of the expense thereof shall be paid out of the city treasury, and what portion, if any, by the owners of the real estate benefited thereby; and for whatever amount the council shall decide shall be paid by the owners of the real estate bounding and abutting on said streets, or benefited by any such improvements, an assessment shall be levied by the council by the front foot bounding, or abutting, or benefited as aforesaid, which said assessment shall be payable within ninety days from the date it is made, and shall be a lien upon the property against which it is assessed from the date of such assessment, and shall also be a personal debt of the owner of the property, which lien and debt may be enforced by bill in chancery, suit, or motion; but no such assessment on abutting property shall be made until a plan of such improvement has been made by the city engineer, with an estimate of the cost and the amount to be paid by each abutting owner, such plan and estimate to be filed in the clerk's office of the city council, and a hearing given to said abutting owners before said council or committee thereof after notice.

8. The city council shall grant and pay to all city officers, clerks, and assistants, elected or appointed in pursuance of this act, such salaries or compensation as the said council may, from time to time, deem just and proper, or shall be fixed by this act; but no officers shall be appointed or salaries paid unless approved by council.

9. If any person having been an officer of said city shall not within ten days after he shall have vacated or been removed from office, and upon notification or request

Private lanes—
when to be
considered
public.

Public im-
provements—
how council
shall apportion
costs.

Salaries—coun-
cil to fix.

wheel of such engine, machine, wagon, or other vehicle moving over the bridge.

Use of coupons prohibited.

5. All taxes or other dues to the state of Virginia shall be paid in good and lawful money of the United States, and not in coupons.

Commencem't.

6. This act shall be in force from its passage.

CHAP. 199.—An ACT to incorporate the Tenneva club of Bristol, Virginia.

Approved February 12, 1892.

Corporators.

1. Be it enacted by the general assembly of Virginia, That A. W. Morris, S. L. King, H. H. Sheen, E. G. Scripture, A. C. Holliday, H. E. McCoy, I. H. Winston, junior, and such other persons as may become associated with them, are hereby constituted a body politic and corporate by the name of the Tenneva club, to be located in the city of Bristol, Virginia, for the promotion of social intercourse and for the purpose of maintaining a literary and reading room.

May adopt by-laws, etc.

2. The said corporation shall have the power to make and adopt a constitution and by-laws, rules and regulations for the admission and expulsion of its members and their government, the election of its officers, and to define their duties, and for the safe-keeping and protection of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations: provided, that the same be not inconsistent with the constitution and laws of the United States, or of the state of Virginia.

3. The said corporation may purchase and hold or lease any real or personal estate, provided that they shall not hold any real estate exceeding one acre of land.

4. All taxes and debts due the commonwealth shall be paid in lawful money of the United States, and not in coupons.

Commencem't.

5. This act shall be in force from its passage.

CHAP. 200.—An ACT to provide a new charter for the city of Roanoke.

Approved February 12, 1892.

CHAPTER I.

Boundaries.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the following limits, namely: Beginning at the intersection of the present cor-

poration line with the road leading to Colonel Tayloe's residence, thence along said road to the eastern corner of the lands of the Belmont land company, thence with the southeastern boundary line of same and continuing same course through the land of the Roanoke land and improvement company to the south bank of Roanoke river, thence up the river with the south bank thereof to the western boundary line of the Roanoke iron company's land; thence along same and across the Norfolk and Western railroad to the northern boundary of said road; thence along the northern side of said railroad land to the Sexton farm; thence with the western boundary of said farm to the Salem turnpike, at the southwestern corner of the land of the Melrose land company, thence with the northern and western boundary lines of said company's land to the Salem turnpike and present corporation line; thence with present corporation line to the Linwood tract; thence with the western and northern boundary lines of same and crossing the Shenandoah Valley railroad to Tinker creek; thence down said creek to the present corporation line; thence with the same to the beginning; shall be deemed and taken as the city of Roanoke, and the inhabitants of the city of Roanoke for all purposes for which towns and cities are incorporated in this commonwealth shall continue to be one body politic in fact and in name under the style and denomination of the city of Roanoke, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now encumbent upon and pertaining to said city as a municipal corporation.

2. The said city of Roanoke shall be divided into five (5) wards, as follows:

The first ward shall consist of all that portion of the city embraced within the following boundary: Beginning at a point on the Norfolk and Western railroad north of J. M. Gambill's mill; thence with the eastern side of said mill to Roanoke street; thence with Roanoke street to Franklin street; thence with Franklin street to the south bank of Roanoke river at the iron bridge; thence with the south bank of said river westwardly to the Norfolk and Western railroad at the corner of the Roanoke iron company's property; thence with the Norfolk and Western railroad to the beginning.

Wards—boundaries.

The second ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of Jefferson street and the Norfolk and Western railroad; thence with said street southward to Roanoke river at the Crystal Spring land company's bridge; thence with the south bank of said river westward to Franklin street; thence with the east line of the

first ward to the Norfolk and Western railroad; thence with the said railroad to the place of beginning.

Third ward.

The third ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of Henry street and the Norfolk and Western railroad; thence northward with Henry street to Gilmer street; thence with Gilmer street eastwardly to Henry street; thence with said street and Gainesborro road to Peach Tree street; thence with said street to the Lynchburg turnpike; thence north to the northern boundary line of the city; thence eastwardly with said line to Tinker creek; thence with said creek to the Norfolk and Western railroad; thence with the south track of said road to the place of beginning.

Fourth ward.

The fourth ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of Jefferson street and the Norfolk and Western railroad; thence with the said railroad easterly to Tinker creek; thence with the corporate line to the south bank of Roanoke river; thence with the south bank of the said river to Jefferson street; thence with Jefferson street to the place of beginning.

Fifth ward.

The fifth ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of Henry street and the Norfolk and Western railroad; thence with the western boundary line of the third ward to the northern boundary of the city; thence with the said boundary line westwardly and southwardly to the Norfolk and Western railroad; thence with the said railroad to the place of beginning.

CHAPTER II.

Mayor and council.

1. The administration and government of said city shall be vested in one principal officer, to be styled "mayor," one body to be called the "common council for the city of Roanoke," and any such other bodies and officers as are hereinafter mentioned or which may be provided for by the common council.

2. The municipal officers of said city shall consist of a mayor, twenty common councilmen, a police justice, a treasurer, an auditor, a clerk of the hustings court, a sergeant, a commissioner of the revenue, one justice of the peace for each ward, one constable, a commonwealth's attorney, a clerk of the market, a city solicitor, and a city engineer.

When elected.

3. The mayor, sergeant, commonwealth's attorney, justices of the peace, and constable shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-two, and every two years thereafter; the treasurer shall be elected by the

qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-three, and every three years thereafter; the clerk of the hustings court shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-six, and every six years thereafter; the commissioner of the revenue shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-four, and every four years thereafter.

4. At the general election to be held on the fourth Thursday in May, eighteen hundred and ninety-two, there shall be elected twenty councilmen, ten of whom shall hold office for one year, and ten for two years, and thereafter ten councilmen shall be elected each year at the said general election, whose term of office shall be two years. The councilmen so elected under this act shall be elected by a popular vote of the qualified voters of the city of Roanoke, each ward to elect its own councilmen, and to be represented in said council by an equal number. The present members of the council shall continue in office and exercise the powers vested in them by law until the aforesaid twenty councilmen shall, after election on the fourth Thursday in May, eighteen hundred and ninety-two, have entered upon the discharge of their duties on the day prescribed by this act.

Councilmen—
when elected.

5. The election for all of the foregoing officers shall be held under and pursuant to the general laws of the state.

6. The term of office of said officers shall begin on the first day of July succeeding their election.

7. The common council shall elect a city engineer, city solicitor, clerk of the markets, an auditor, and a police justice, the first of whom shall hold office for three years, the second two for one year, and the last two for two years, and the common council shall elect such other officers as it may deem expedient for the proper conduct of the affairs of the city and in the execution of the powers hereinafter conferred upon it, and prescribe their term of office.

Minor officers,
how elected.

8. The term of office of those officers mentioned in the preceding section, and all other officers elected by the council, shall begin on the first day of August succeeding their election.

CHAPTER III.

1. The council shall, annually, elect one of its members to act as president, and when from any cause he shall be absent, it shall elect a president pro tempore.

The president shall have the power to call a meeting of the council whenever he deems it necessary; and in case of his absence, inability, or refusal, the council may be convened by the order of the clerk, upon request of any five members in writing, but no special meeting shall be

Duties of president.

convened until notice has been served upon each member of the council in person or by leaving a copy of same at his place of abode.

The council shall by ordinance fix the time for holding their stated meetings, and no business shall be transacted at a special meeting but that for which it shall have been called.

Powers of
council.

The council shall have the authority to adopt such rules and to appoint such officers and committees or clerks as it may deem proper for the regulation of their proceedings and convenient transaction of business; to compel the attendance of absent members; to punish its members for disorderly behavior, and by a vote of three-fourths of the body to expel a member for malfeasance or misfeasance in office. They shall keep a minute book in which the clerk shall note the proceedings of each session, and shall record such proceedings at large in the record book, and keep the same properly indexed. The meetings of the council shall be open to the public except when the public welfare shall require secrecy. A majority of the members of the council shall constitute a quorum for the transaction of business; but no ordinance shall be passed or resolution adopted having for its object the appropriation of money except by a concurrence of a majority of the council. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless there be at least fifteen members present and twelve concur therein.

The council shall have, subject to the provision given in this act, the control of the fiscal and municipal affairs of said city, and all property, real and personal, belonging to said city, and may make such ordinances and by-laws relative to the same as they shall deem proper; and they shall likewise have power to make such ordinances, orders, by-laws, and regulations as they may deem necessary to carry out the following powers which are hereby vested in them.

May establish
markets and
control them.

First. To establish a market or markets in and for said city, and appoint proper officers therefor; prescribe the times and places for holding the same; provide suitable buildings and grounds therefor, and to enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrating.

May erect
houses of cor-
rection.

Second. To erect and provide in or near said city suitable workhouses, houses of correction and reformation, and houses for the reception and maintenance of the poor and destitute; and they shall possess and exercise authority over all persons receiving or entitled to the benefit of the poor laws; appoint necessary officers and other persons proper to be connected with the aforesaid institutions, and regulate pauperism within the limits of the city; and the council, through the agency they shall appoint

for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Third. To erect and keep in order all public buildings necessary or proper for said city; to erect within the city a city prison, and said prison shall contain such apartments as shall be necessary for the safe-keeping of all persons confined therein.

Fourth. To establish or enlarge water-works, electric lights, and gas-works within or without the limits of the city; to contract and agree with the owners of any land for the use and purchase thereof, or have the same condemned according to law, for the location, extension, or enlargement of their said works, the pipes connected therewith, or any fixtures or appurtenances thereof, and shall have the power to protect from injury, by ordinance prescribing adequate penalties, the said works, pipes, fixtures, and land, or anything connected therewith, or works, fixtures, and other appurtenances of water or gas companies established under their authority, whether within or without the limits of the said city. Gas and electric plants.

Fifth. To open, close, improve, widen or narrow streets, avenues and alleys, and have them kept in good order and properly lighted, make sidewalks, build bridges, culverts, and sewers within the said city, or cause to be graded, paved, or macadamized any public street, avenue, or alley or parts thereof, which is now or may be hereafter laid out and opened in said city, and have the same set with curbstone, and shall have power to provide for the payment of any such improvements out of the general revenue, or by assessments on the real estate benefited thereby, as to the judgment of the council shall seem expedient; and over any street or alley in the city which has been or may be ceded or conveyed to the city by proper deed, they shall have like power and authority as over other streets and alleys. They may prevent the building of or remove any structure, obstruction, or encroachment over or under or in any street, sidewalk, or alley in said city, and may permit shade trees to be planted along said streets; but no company or individual shall occupy with its or his works, or any appurtenances thereof, the streets, sidewalks, or alleys in the city without the consent of the council duly entered upon its record book. Regulate streets and bridges.

Sixth. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the city in any manner whatever.

Seventh. To determine and designate the route and grade of any railroad to be laid in said city, and to restrain and regulate the rate of speed of locomotive engines and cars upon the railroads within the said city. Regulate railroads.

Regulate
weights.

Eighth. To make provision for and regulate the weighing of hay, fodder, oats, shucks, or other long forage. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

Sealer—his
duties.

Ninth. To require every merchant, retailer, trader, and dealer of merchandise or property of any description which is sold by weight or measure, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection, and may impose penalties for any violation of any such ordinance.

May erect hos-
pitals and regu-
late quarantine

Tenth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals or subscribe funds for the maintenance of private hospitals; to provide for and enforce the removal of patients to the hospital or hospitals established by the city, or to which the city has subscribed; to appoint and organize a board of health of said city, and clothe it with authority necessary for the prompt and efficient performance of its duties.

Nuisances.

Eleventh. To require and compel the abatement and removal of all nuisances within said city, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be, and collect said expense by suit or motion; to prevent and regulate slaughter-houses, soap and candle-factories within said city, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment therein, and to regulate the transportation of coal and other articles through the streets of said city.

Owners to be
compelled to
remove stag-
nant water.

Twelfth. If any ground in said city shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers, thereof shall permit any offensive or unwholesome substance to remain or accumulate therein, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the city authorities or their agents, in which case the city shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected, or by suit or motion: provided, that reasonable notice shall first be given to said owner or owners, or his, her, or their agent or agents. In case of non-resident owners who have no agents in said city, such notice may be given by publication for not less than ten (10) days in any newspaper in said city, and all expense of such publication to be paid by the owner or occupier as above. The occupier of such

premises shall only be compelled to pay for the same an amount not exceeding the amount due by him for rent, and he shall have the right to offset any amount he may have so paid against the rent due the owner of the premises.

Thirteenth. To direct the location of all buildings for storing gunpowder and other combustible and explosive substances, and to regulate the sale and use of gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid, or other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of lights and candles in barns, stables, and other out-buildings, and to restrain the making of bon-fires in streets and yards.

May regulate storage of combustibles.

Fourteenth. To prevent hogs, dogs, and other animals from running at large in said city, and may subject the same to confiscations, regulations, and taxes as they may deem proper.

May regulate running at large of animals.

Fifteenth. To prevent the riding and driving of horses or animals at an improper speed, throwing stones, or engaging in any employment or sport on the streets, sidewalks, or public alleys, dangerous or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses or other animals in said city.

May regulate speed of vehicles, etc.

Sixteenth. To restrain and punish drunkards, vagrants, and street-beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame, and gambling-houses; to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said city, and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

May pass police regulations.

Seventeenth. To prevent, forbid, and punish the selling or giving of liquors and intoxicating drinks to be drunk in any public place not duly licensed, and the selling or giving to be drunk any intoxicating liquors to any child or minor, and the selling or giving of cigarettes to any minor under fifteen years of age; and for any violation of any such ordinance may impose fines in addition to those prescribed by the laws of the state.

May regulate liquor traffic.

Eighteenth. To prevent the coming into the city of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the city.

Vagrants may be excluded.

2. First. Any member of said council being voluntarily absent from its meetings consecutively for three months, the seat shall be deemed vacant, and the unexpired term shall be filled according to law.

Councilmen may be removed.

Second. The city council is empowered to hold such lands as may have already been acquired by the city of

Burial of dead
to be provided
for.

Roanoke to be used as a place for the burial of the dead, and to acquire, by purchase or otherwise, such additional lands as may be necessary for that purpose. The said council shall also have the power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the state, for the use, protection, preservation, and ornamentation of the cemetery or cemeteries; to set aside, in their discretion, by metes and bounds, a portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease, and to prescribe what class and condition of persons shall be admitted to interment in the cemetery or cemeteries. The cemetery or cemeteries, when established or enclosed with the property included in it or them, shall be exempt from all state, county and municipal taxation.

Penalties—
council may fix

3. Where, by the provisions of this act, the council have authority to pass ordinances on any subject, they may prescribe any penalty not exceeding five hundred dollars for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the jail of the city for a term not exceeding ninety days, which penalties may be prosecuted and recovered with costs, in the name of the city of Roanoke, or shall compel them to work on the streets or other public improvements in the said city. The accused, if convicted, shall have the right of appeal to the hustings court of said city.

Private prop-
erty to be paid
for when taken

4. The council shall not take any private property for public purposes without making to the owner thereof just compensation for the same; and where the council cannot, by agreement with the owner, obtain the title to or the use of such property for such purposes, it shall be lawful for said council to institute and prosecute proceedings for the condemnation thereof according to law.

Encroachments
may be
removed by
council.

5. In every case where a street in said city has been or shall be encroached upon by any fence, building, or otherwise, the council may require the owner (if known, or, if unknown, the occupant of the premises encroaching) to remove the same; and if such removal be not made within the time prescribed by the council, they may impose a penalty of five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same process that they are hereinafter empowered to collect taxes, or by suit or motion; and whatever amount the occupant or tenant shall have to pay therefor, for said amount he shall have a valid and lawful offset against the rent due or to become due to his landlord.

6. Whenever any street or lane in said city shall have been opened to and used as such by the public for a period of five years, the same shall thereby become a street, alley, or lane for public purposes, and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, and lanes laid out by them, and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said city by a plan or plat or record, or which has been filed in the clerk's office of the corporation court of the city of Roanoke, shall be deemed and held to be dedicated to the public use, unless it appears by said record that the said street or alley so reserved is designed for private use. But upon a petition of a majority of the persons interested therein, the council shall have the power to open the same for the use of the public, and a map thereof shall be filed with the city engineer in case the same is opened for the public.

Private lanes—
when to be
considered
public.

7. Whenever any new street shall be laid out, or street paved or graded, culverts or sewers built, or any other public improvements whatsoever made, the council shall determine what portion, if any, of the expense thereof shall be paid out of the city treasury, and what portion, if any, by the owners of the real estate benefited thereby; and for whatever amount the council shall decide shall be paid by the owners of the real estate bounding and abutting on said streets, or benefited by any such improvements, an assessment shall be levied by the council by the front foot bounding, or abutting, or benefited as aforesaid, which said assessment shall be payable within ninety days from the date it is made, and shall be a lien upon the property against which it is assessed from the date of such assessment, and shall also be a personal debt of the owner of the property, which lien and debt may be enforced by bill in chancery, suit, or motion; but no such assessment on abutting property shall be made until a plan of such improvement has been made by the city engineer, with an estimate of the cost and the amount to be paid by each abutting owner, such plan and estimate to be filed in the clerk's office of the city council, and a hearing given to said abutting owners before said council or committee thereof after notice.

Public im-
provements—
how council
shall apportion
costs.

8. The city council shall grant and pay to all city officers, clerks, and assistants, elected or appointed in pursuance of this act, such salaries or compensation as the said council may, from time to time, deem just and proper, or shall be fixed by this act; but no officers shall be appointed or salaries paid unless approved by council.

Salaries—coun-
cil to fix.

9. If any person having been an officer of said city shall not within ten days after he shall have vacated or been removed from office, and upon notification or request

of the city clerk, or within such time thereafter as the city council shall allow, deliver over to his successor in office, all property, books, and papers belonging to the city or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs; and all books, records, and documents used in any such office by virtue of any such provision of this act, or of any ordinance or order of the city council or any superior officer of said city, shall be deemed the property of said city and appertaining to said office, and the chief officer thereof shall be responsible therefor.

Fire limits.

10. To prescribe limits within which no buildings shall be constructed except of brick, stone, or other incombustible material, with fire-proof roof, and to impose a penalty for violation of such ordinance; and shall have authority to appoint one or more persons to inspect buildings and condemn such as are unsound and unsafe.

Buildings may be regulated.

11. The council may, by ordinance, make such regulations, not inconsistent with law, as they may deem expedient in relation to the erection and alteration of wooden buildings outside the fire limits, and may regulate the building, management, and inspection of elevators, hoistways, and elevator-shafts in said city.

May regulate width of vehicles.

12. The council may, by ordinance; make such regulations in relation to the size and shape of all carriages, wagons, carts, trucks, sleighs, sleds, and other vehicles, or any part thereof, and their loads, passing through the highways and public places of the city, as it may deem necessary for the public good.

Fire escapes.

13. The council shall, without unnecessary delay, enact stringent and efficient laws for securing the safety of persons from fire in halls and buildings let or used for public assemblies and for entertainments and amusements.

May contract for use of private property.

14. In the building of any sewers through the streets or alleys of the city, the council shall have authority to contract with the adjacent property owners for the temporary use of the adjacent property, and pay adequate compensation therefor; and in case the compensation cannot be agreed upon, the temporary use of such adjacent property may be condemned by proceedings similar to those employed in the condemnation of the freehold under the general law of the state.

Privileges of council.

15. The council shall have authority to make all such ordinances, by-laws, rules, regulations, and resolutions, not inconsistent with the laws of the state, as may be expedient, in addition to the special powers in this chapter granted, for maintaining the good government and welfare of the city and its trade, commerce, and manufactures, and to enforce, by ordinances, and inflict penal-

ties for the violation thereof, not exceeding one hundred dollars.

16. The mayor shall appoint for his term of office, from the qualified voters of the city of Roanoke, three persons, ^{Board of public works.} subject to the approval of council, who shall constitute and be known as the board of public works. Council shall clearly define the duties of said board, which shall be to have special supervision over all matters involving work on public improvements, approved and ordered by council, of every character, and the proper execution of the work as authorized, and no accounts for said work shall be paid unless approved by them, their salaries to be fixed by the mayor, and approved by the council. The mayor shall take from such officers a bond or bonds, with surety to be approved by the council, in such penalty as he and they may deem proper, with conditions for the faithful performance of said duties.

17. The officers appointed by the council may be removed from office at its pleasure, and any officer elected by the council may be removed for cause after a proper investigation and hearing. In case of any vacancies occurring in any municipal office where it is not herein otherwise provided, the council shall elect a qualified person to fill said office during the unexpired term. ^{Officers may be removed.}

18. No ordinance of council shall become a law until approved and signed by the mayor. In case of his disapproval, he shall return the same to the council, with his reasons therefor in writing, and the council shall then have the right to pass such ordinance over his veto by a vote of four-fifths of all the members of the council. In case the mayor fails to either approve or disapprove an ordinance within ten days after it has been presented to him, it shall become a law.

CHAPTER IV.

1. Mayor.—First. It shall be the duty of the mayor to enforce the laws and ordinances of the city and all orders and resolutions of the council. He shall see that the duties of the various city officers are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices. He shall also have power to suspend or remove such officers, whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal, but no such removal shall be made without reasonable notice to the officer complained of and an opportunity offered him to be heard in his defence. Whenever the mayor shall remove or suspend any such officer, he shall report the fact, with his reasons therefor, to the council at its next regular meeting, but in no case shall

^{Mayor—his duties.}

such removal be final until ratified by a majority of the whole council.

Second. In case of the absence or inability of the mayor, the president of the council, or, in his absence or inability, some other member designated by the council, shall act as mayor, and shall possess the same powers and discharge the same duties as the mayor during such absence or inability.

Third. It shall be his duty to communicate with the city council at the end of each fiscal month a general statement of the condition of the city in relation to its government, finances, and improvements, with such recommendations as he may deem proper.

Fourth. In case a vacancy shall occur in the office of mayor, the president of the council shall fill the vacancy for the unexpired term, and the vacancy thus caused in the council shall be filled according to law.

Salary.

Fifth. The mayor shall receive such salary as shall be fixed by the said council, and he shall receive no other compensation or emoluments whatever, and his salary shall not be diminished during his term of office.

Shall appoint police.

The mayor shall be authorized to appoint a chief of police and such number of policemen as may be authorized by the council, which appointments shall be reported to the council at the next regular meeting thereof, and if approved by it they shall be confirmed. Such chief and policemen shall constitute the police force of the city, and shall hold their respective positions during good behavior or until they may be severally removed by the mayor or by a three-fifth's vote of the council after notice to and failure of the mayor to act, after having been requested so to do by the council. The police force shall be under the control of the mayor for the purpose of enforcing peace and order and executing the laws and the ordinances of the city, and shall also perform such other duties as the council may prescribe. For the purpose of enabling it to execute its duties and powers, each member of the police force is hereby made and constituted a conservator of the peace and endowed with all the powers of a constable in criminal cases, and all other powers which, under the laws of the city, may be necessary to enable him to discharge the duties of his office. The uniform, rules, and regulations for the police force shall be prescribed by the mayor and approved by the council. The pay of all policemen shall be prescribed by the council.

Police justice—
his powers.

2. Police Justice.—First. The police justice shall possess all the jurisdiction and exercise all the power and authority in criminal cases of a justice of the peace of said city, but he shall receive no fees for services as such police justice. He shall also try all violations of the city ordinances, and inflict such punishment as may be pre-

scribed for a violation of the same. He shall keep his office and court at the place prescribed by the council daily, except Sundays; and if from any cause he shall be unable to act, the mayor shall appoint one of the justices of the peace of said city to discharge the duties of the police justice prescribed herein during such disability, and receive the same compensation.

Second. The police justice shall keep a regular account of all fines, forfeitures, and costs imposed or arising in the administration of his office, which he shall report weekly to the auditor. The chief of police shall collect such fines, forfeitures, and costs, and report the same weekly to the auditor and pay over the same weekly to the treasurer.

Third. The police justice shall receive such salary as shall be fixed by the city council, and he shall receive no other compensation or emoluments whatever, and his salary shall not be diminished during his term of office.

3. Treasurer.—First. The city treasurer shall receive all money belonging to the city, and shall keep his books and accounts in such manner as the city council may prescribe, and such books and accounts shall be subject to the inspection of the mayor or any committee of the council authorized to examine the same. Treasurer—his duties.

Second. No money shall be paid out except upon warrants of the auditor. All moneys to be paid to the treasurer of the city, except taxes and other assessments, as the city council may so ordain, shall be paid by the person liable to pay the same, or his agent, to the treasurer in the following manner: A warrant shall first be obtained from the auditor, directing the treasurer to receive the sum to be paid, specifying on what account the payment is to be made. Upon payment of the money to the treasurer, he shall give a receipt for the same in duplicate, which receipts shall be carried to the auditor, who shall endorse on the original receipt the fact that a duplicate thereof has been filed in his office, and deliver the same to the person entitled thereto, and shall file the duplicate in his office, and no payment into the treasury, unless this requirement is complied with, shall be an acquittance of any claim on the part of the city. Moneys to be paid only on proper warrant.

Third. The treasurer shall also report to the city auditor at the end of each fiscal year, and oftener if required, a full and detailed account of all receipts and expenditures during the fiscal year in the city treasury. He shall also keep a register of all warrants of every kind, the number and the person to whom paid, specifying also the time of payment, and all such warrants shall be examined by the finance committee, who shall examine and compare the same with the books of the auditor at the end of each fiscal year, and report their finding to council. Treasurer to report to auditor.

Fourth. The treasurer shall collect all taxes and assessments which may be levied by the said city and perform such other duties as may hereafter be prescribed or ordained by the city council.

City funds—
where to be
deposited.

Fifth. The treasurer shall be required to keep all money in his possession belonging to the city upon deposit in some safe banking institution or institutions in the city of Roanoke, and such moneys shall be deposited to his credit as treasurer of the city of Roanoke; and he is hereby expressly prohibited from using directly or indirectly the corporation money or warrants in his custody or keeping for his own benefit or use or that of any person or persons whomsoever, and any violation of this provision shall be deemed to be a malfeasance in office, for which he may be removed by proceedings instituted in the hustings court for said city. In case of his removal the judge of the hustings court shall appoint a qualified person to fill said office until the next general election, which may be held in the city when the qualified voters in said city shall, as in other cases, fill such vacancy by the election of his successor, who shall hold office for the remainder, if any, of the unexpired term of the officer removed.

Sixth. The treasurer shall receive such compensation as is provided by law in the case of city treasurers.

Auditor—his
duties.

4. Auditor.—First. The auditor shall superintend the fiscal concerns of the city, and shall manage the same in the manner required by this act and the ordinances and resolutions of the city council.

Second. He shall keep a regular set of books, in which shall be opened and kept as many accounts, under appropriate titles, as may be necessary to show distinctly all the estate and property whatsoever, real and personal, vested in the city by law or otherwise, and of trusts in the care of the same; all funds due to and owing by the city, all receipts and expenditures in the various departments of the city, and all appropriations made by the city council and the sums expended under the same respectively.

Third. He shall, from time to time, as often as he may deem necessary or the city council shall direct, suggest plans to the council for the improvement and management of the city finances.

Fourth. He shall have the supervision and control of the fiscal concerns of all departments and officers of the city, who shall collect, receive, or disburse the public moneys, or who are charged with the management or custody thereof, and may, at any time, require from any of them an account, in writing, of any and all moneys or property of the city in their hands or under their control, and he shall immediately, upon the discovery of any default, irregularity, or delinquency, report the same to the city council.

Fifth. He shall sign all warrants on the city treasurer and shall not suffer any appropriation made by the city council to be overdrawn. Every case where the appropriation shall be exhausted and the object of which is not completed, he shall immediately report to the city council and give such report with a statement of the moneys which have been drawn on such appropriation and the particular purposes for which they were drawn. Whenever an account against the city shall be presented to him for payment, the person presenting the same shall, if the auditor require, produce evidence, first, that the amount expressed in the account is due to the person in whose favor it is made; second, that the supplies or the services for payment of which the account is made have been furnished or performed; third, he shall have the authority to administer oaths or affirmations in verification of demands for his signature, but shall not be entitled to receive any fee therefor. The council, however, may require before any warrant is issued that the account be submitted to council.

Appropriations not to be overdrawn.

Sixth. He shall make a report, verified by oath or affirmation, to the city council at the end of each fiscal month, of the public accounts of the said city and of the trusts in their care, exhibiting all the expenditures of the city, the sources from which the revenue and funds are derived, and in what manner the same have been disbursed, each account to be accompanied by statement, in detail, in separate columns, of the several appropriations made by the council, the amount drawn on each appropriation, and the balance standing to the debit or credit of same.

Monthly reports to council.

Seventh. He shall be paid a salary fixed by the council, which shall not be diminished during his term of office.

Salary.

Eighth. There shall be kept in the auditor's office a lien docket, in which, in proper columns, shall be entered all claims for curbing, paving, sidewalks, assessments for damages, and contributions for opening public streets, lanes, and alleys, or parts thereof; for paving, grading, and macadamizing same, and for sewerage, and any other public improvements, which docket shall at all times be opened to the inspection of the public; and after said lien shall have been docketed, all persons shall be effected with notice.

Lien docket.

5. Clerk of the council.—First. There shall be one city clerk appointed by the council, who shall hold his office for two years, and until his successor shall be appointed and qualified, unless sooner removed from office by the city council.

Clerk of council.

Second. The said clerk shall attend the meetings of the said council and keep a record of its proceedings; he shall have the custody of the corporate seal and all official

Duties.

bonds taken by order of council or under the requirements of law; he shall keep all papers that by the provision of this act or the direction of the city council are required to be filed with or kept by him. It shall be his duty, immediately after the close of each session of the city council, to make and present to the mayor a transcript of every ordinance, resolution or order concerning any public improvement, or for the payment of money, and every ordinance, resolution, order, and act of legislative character passed by the city council at such session. He shall in like manner transmit to the auditor a transcript of all orders, ordinances or resolutions appropriating money or authorizing the payment of money, the issue of bonds or notes. He shall in like manner give notice to all parties presenting communications or petitions to the city council of the final action of the council on such communication or petition. He shall publish such reports and ordinances as the city council are required by this act to publish, and such other reports and ordinances as they may direct, and shall in general perform such other acts and duties as the city council may, from time to time require of him.

Clerk of hustings court.

6. Clerk of the hustings court.—There shall be one clerk of the court of hustings for the city of Roanoke, who shall serve for a period of six years, and until his successor be elected and qualified. He shall receive in compensation for his services the fees and emoluments allowed by law to clerks, and such allowances as the city council may, from time to time, deem just and proper.

Commonwealth's attorney—term of office.

7. There shall be one commonwealth's attorney, who shall prosecute in all cases in the hustings court of the city of Roanoke. He shall hold his office for a term of two years and until his successor be elected and qualify, unless sooner removed, and shall receive such compensation for his services as may be prescribed by law, and such salary as may be fixed by the city council.

Commissioner of revenue—term of office; must bond.

8. Commissioner of revenue.—First. There shall be one commissioner of revenue, who shall hold his office for the period of four years and until his successor shall be elected and qualified, unless sooner removed from office. He shall give bond, with sureties, in such amount as the council may determine, said bond to be approved by the city council, entered on their record, and filed in the office of the city clerk. In case a vacancy shall occur in the office of the commissioner of revenue, the city council shall elect a qualified person to fill said office until the next general election which may be held in the city, when the vacancy shall be filled by election for the unexpired term.

Duties of commissioner of revenue.

Second. The said commissioner of revenue shall perform all the duties in relation to the assessment of prop-

erty for the purpose of levying the city taxes that may be ordered by the city council. He shall keep his office in some convenient place in said city, and shall keep therein such books, schedules, and records, and in such manner as the mayor and city council may direct and prescribe, which books, records, and other papers shall be subject to the inspection and examination of the mayor, the members of the city council, or any committee thereof, and of the collector of city taxes.

Third. To aid the commissioner of revenue in his duties, the clerk of the court of hustings for the city of Roanoke, as required, shall deliver to him such lists as are mentioned in section four hundred and thirty-nine of the code of Virginia of eighteen hundred and eighty-seven, as far as may relate to lands in said city. He shall receive for his services the fees allowed by law, and such other compensation as the city council may from time to time direct.

Clerk of hustings court—his duties.

9. Sergeant.—First. There shall be one city sergeant, who shall attend the terms of the court of hustings for said city and act as the officer thereof, and shall perform such other duties as may be prescribed and ordained by the city council, and shall receive such compensation therefor as the council shall determine. He shall be collector of delinquent city taxes placed in his hands by the city treasurer, and for that purpose shall have all the powers and authority, and be subject to the same liabilities and penalties, as are prescribed for township collectors in the collection of state taxes and county levies, and may be proceeded against in the same manner so far as applicable and not inconsistent with the provisions of this act. He shall pay over to the treasurer (or in the treasury of the city, as may be prescribed by ordinance) weekly, or oftener, if he thinks proper, all moneys which come into his hands for taxes or otherwise belonging to the city. He shall report to the council in writing at each stated meeting the amount of all moneys collected by him for the city and paid over as herein directed. Before entering upon the duties of his office as collector of the city taxes, he shall enter into bond, with sureties to be approved by the council, in such sum as the council may direct, said bond to be payable to the city of Roanoke, and conditioned for the faithful discharge of the duties of said office, and shall be entered on the records of the council, and the original shall be filed in the office of the clerk of the council.

Second. The sergeant may, with the approval of the court of hustings for the city, appoint a deputy or deputies, who may be removed from office by the said sergeant, by the mayor, or by the council. During the continuance in office of said sergeant, his deputy or deputies may dis-

Sergeant may appoint deputies.

charge any of the duties of the office of sergeant, but the sergeant and his sureties shall be liable therefor.

Constable—his
duties; term of
office.

10. Constable.—There shall be elected one constable for the city, who shall hold his office for the term of two years, and until his successor be appointed and qualified, unless sooner removed from office. Said constable shall keep his office in such convenient place in the city as may be designated by the city council, and shall receive such compensation for his services as is allowed by law. He shall in all civil cases have the same powers and duties and be subject to the same penalties as are prescribed by the law for other constables, and shall perform such duties as the city council may ordain.

Justices.

11. Justices of the peace.—There shall be one justice of the peace for each ward of said city, who shall be residents of their respective wards, and shall hold office for the term of two years, and until their successors be elected and qualified, unless sooner removed from office. The said justices of the peace shall be conservators of the peace within the limits of the corporation of Roanoke and one mile beyond, and shall have the same powers and duties within said limits, and receive for their services such fees as are provided by law in respect to justices of the peace in the counties of this state, in their respective counties.

Clerk of mar-
kets.

12. Clerk of markets.—The clerk of the markets shall perform such duties and receive such compensation as may be prescribed by the city council. All moneys received by him shall be reported weekly to the auditor and paid to the treasurer.

Solicitor—his
duties.

13. City solicitor.—First. All law matters to which the said city may be a party or in any wise interested shall be under the supervision, direction, and control of the city solicitor, subject to the direction of the council. He shall prepare all bonds, obligations, contracts, leases, covenants, and assurances which may be required of him by any ordinance or the council; commence and prosecute all and every suit or suits, action or actions, brought by the city for or on account of any of the estate, rights, trusts, privileges, claims, or demands of the same, and defend all actions or suits brought against the city, or any officer thereof, before any court in this commonwealth, and shall do all and every professional act incident to the office which may be required of him by the mayor, any committee, or the council.

Second. He shall, when required, furnish the council, or committees thereof, the head of any department or the mayor, with his written opinion on any subject which may be submitted by them to him.

Third. He shall at least once in every month make a report to the city auditor of all moneys received by him

by virtue of his office, and immediately pay the same to the city treasurer.

Fourth. The city solicitor shall receive a fixed salary and no other compensation, and all fees received by him in his official capacity shall be paid into the city treasury monthly, as hereinbefore provided.

14. City engineer—First. The city engineer shall make field notes of all work performed by him for the city and for private individuals within the city limits, and the same shall be kept in his office for reference and be turned over to his successor. City engineer—
his duties.

Second. The city engineer shall devote his entire time and attention to the service of the city in surveying the streets, alleys, lanes, and highways thereof, furnish regulations for buildings, and make all necessary plans, drafts, or maps which may be required for the use of the city for highways, paving, surveying, or building. All instruments, paper, and other materials necessary for the equipment and supply of his office shall be furnished by the city, and all maps, drafts, or plans made by the city engineer for the purpose aforesaid, and intended for preservation, shall be executed upon sheets of good draft paper, and shall, as far as practicable, be all of a uniform size, and the same shall be the property of the city, and be bound in book form, and be kept among the archives of the city for the use of the council and the various officers of the city government and the inspection of the citizens, and shall do and perform any other service that may be required by resolution or ordinance.

Third. The salary of the city engineer shall be fixed by the city council, and all fees received by him in his official capacity shall be paid over to the city treasurer monthly, in the same manner as is required for paying in other moneys.

15. All officers provided for in this act and all other officers appointed by the council, before entering upon the discharge of their duties, shall enter into bond in such penalty as the council may prescribe, payable to the city of Roanoke, conditioned for the faithful discharge of their respective duties, all sureties to be residents of the state of Virginia, except well-known and responsible surety companies. All officers to
bond.

CHAPTER V.

1. General provisions.—The city council may, in the name and for the use of the city, contract loans, or cause to be issued certificates of debt or bonds; provided no such certificates of debt or bonds shall be issued except by a three-fourths vote of the council, endorsed by a majority of the freehold voters voting on the question; but such loans, certificates, or bonds shall not be irredeemable. May contract
loans and issue
bonds.

ble for a period greater than thirty-four years; provided further, that said council shall not contract said loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement, or other purpose, without being first authorized so to do by a three-fourths vote of the freehold voters of the city voting on the question; provided further, that in no case shall the aggregate debt of the city at any one time exceed ten per centum of the assessed value of the property, real and personal, within the city limits; and provided further, that the said council shall not endorse the bonds of any company whatsoever without the same authority. All contracts for the erection of public improvements within the jurisdiction of the city council, shall be let to the lowest responsible bidder, and notice shall be given at least thirty days before the work is finally let by advertisement in one or more newspapers published in the city, and the party to whom said contract shall be let shall give such bond as the council may require; but in no event shall any contract be let to any member of the city council, nor shall any member have any interest in such contract.

Contracts—how
let.

2. Whenever, hereafter, there shall be contracted by the council any debt not payable within one year thereafter, there shall be set apart annually for thirty-four years, or until the debt is paid, a sum not less than one per centum of the amount of the debt, in addition to the annual interest agreed to be paid thereon, which sum shall be applied and invested towards the payment of such debt.

Sinking fund.

3. For the execution of its powers and duties, the city council may raise taxes annually, by assessments in the said city on all subjects taxable by the state, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient (in accordance with the laws of this state and of the United States): provided that no tax upon real and personal property in said town shall exceed one dollar and twenty-five cents upon the one hundred dollars assessed value thereof; and provided, also, that no corporation tax shall be levied upon the machinery, implements, money, and capital of any manufacturing establishment actually in use for manufacturing purposes within the said city for twenty years from the third day of February, eighteen hundred and eighty-two; but this proviso is not intended to apply to capital employed in purchasing articles manufactured outside of the city and brought here to be used in manufacturing.

Revenues—how
raised.

4. The city council may levy a tax on water and gas, on license to agents of insurance companies whose principal office is not located in said city; to auctioneers; to

Licenses may
be granted.

public theatrical or other performances or shows; to keepers of billiard tables and ten-pin alleys; to hawkers and peddlars; to agents for the renting of real estate; to commission merchants, and any other business, whether a license may be required therefor by the state or not.

5. Any payment of taxes by the tenant shall be a credit against the person to whom he owes rent. Taxes credit on rent.

6. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in the city for hire, and may require the owners or keepers of wagons, drays, and carts, using them in the city, to take out a license therefor, and may assess and require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and may prescribe their fees and compensation. Wagons and drays may be licensed.

7. All goods and chattels, wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed.

8. There shall be a lien on real estate for the city taxes, as assessed thereon, from the commencement of the year from which they are assessed. The council may require real estate in the city delinquent for the non-payment of taxes to be sold for said taxes, with interest thereon at the rate of six per centum per annum. Such real estate shall be sold, and may be redeemed in the manner provided by law.

9. The city council may organize and maintain a fire department for the city, and appoint an engineer, assistants, and other officers, with any or all the powers which have been or may be vested by law in such officers, and they may make rules and regulations for the government of the officers and men of said department; may prescribe their respective duties in case of fire or alarms of fire; may fix their pay, and may impose reasonable fines for the breach of such regulations; and may make such ordinances as they may deem proper to extinguish and prevent fires, to prevent property from being stolen, and to require citizens to render assistance to the fire department in case of need.

10. All bonds, contracts, deeds, and other papers shall be executed by the mayor, by the direction of the council, and the seal of the city shall be affixed and attested by the clerk of the council.

11. The said council shall by ordinance provide for any irregular election not herein provided for, and appoint the necessary officers to conduct the same.

12. Unless otherwise specially provided, the persons holding any of the offices provided for in this charter which have heretofore existed under the charter in force

immediately before its adoption, shall continue to hold the same under the present election or appointment until the term of said office, as herein provided, shall expire, dating the commencement of such term from the term fixed in said former charter; and all ordinances and laws in force immediately before the passage of this charter, so far as consistent herewith, and all liabilities, actions, claims, contracts, and prosecutions arising thereunder shall remain and continue as if this act had not been passed.

Ordinances to
remain operative.

13. All ordinances now in force in said city not inconsistent with this act, the laws of this state, and of the United States, shall be, and remain, in force until altered, amended, or repealed by said city council.

14. In every case where this charter creates a new office, and in case of any vacancy occurring by death, resignation, removal, or otherwise, in any office elective by the people, the same shall be filled by appointment by the council, which appointee shall hold said office until the next general election therefor, unless otherwise herein provided.

Police—their
term of office.

15. The term of office of each and every member of the police force of said city shall terminate ten days after the passage of this act.

16. The present council shall have power to appoint a police justice, who shall hold office until the first day of August, eighteen hundred and ninety-two.

17. The present mayor of said city shall have and exercise all the powers, rights, and authorities herein provided for from and after the passage of this act.

County debt—
City's share
how paid.

18. That the said city of Roanoke shall pay to the county of Roanoke, in seven equal annual payments, the first of which payments is to be made August first, eighteen hundred and ninety-two, that proportion of seven thousand dollars yet due from said county which the value of the real estate taken in by reason of the extension of the corporate limits of said city under this act sustains to the value of the whole of the real estate so taken in and that of Roanoke county, as ascertained by the assessment of eighteen hundred and ninety.

Acts repealed.

19. All acts and parts of acts in conflict with this act are hereby repealed.

Commencement.

20. This act shall be in force from its passage.

CHAP. 201.—An ACT to re-enact section 9, of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of Bridgewater, approved March 3, 1884.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, That section nine of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of Bridgewater, approved March third, eighteen hundred and eighty-four, be amended and re-enacted so as to read as follows:

Sections
amended.

§ 9. The jurisdiction of the corporate authorities of said town shall extend one mile beyond the limits thereof for imposing and collecting a license tax upon all shows, performances, and exhibitions which may take place any where within said extended boundaries; and they shall also have the power of imposing a license tax upon bowling, billiard, and bagatelle saloons, or on any similar game or play recognized and taxed by the laws of the state, anywhere within the said extended boundaries, and all money received for license tax, and also for all fines accruing from a violation of the ordinances of the said town, and that may result from the prosecution of any misdemeanors covered by said ordinances within and for one mile beyond the corporate limits thereof, shall be paid into the treasury of the said town and be appropriated to the expenses of the corporation as the council may direct.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 202—An ACT defining a lawful fence for Washington county, Virginia.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, That for and within the county of Washington, a fence made of three planks, poles, wires, or other rails, the bottom one of which is not to be more than two feet nor less than fifteen inches from the ground, the top one not more than five feet nor less than four and one-half feet from the ground, and the middle one midway between the other two, shall be deemed a lawful fence: provided that this act shall not be so construed as to render a lawful fence under the general law unlawful, nor so as to interfere with the powers of the board of supervisors under

Lawful fence—
what consti-
tutes.

section two thousand and forty-eight of the code of Virginia, or any act amendatory thereof.

Commencem't. 2 This act shall be in force from and after the first day of July, eighteen hundred and ninety-two.

CHAP. 203.—An ACT to incorporate the Bristol tobacco association.

Approved February 12, 1892.

Corporators. 1. Be it enacted by the general assembly of Virginia, That J. H. Winston, junior, A. D. Reynolds, Frank Winston, J. W. Walker, S. T. Graves, W. Littleford, J. S. Penn, and their associates and successors, are hereby constituted a body corporate by the name of the Bristol tobacco association, for the purpose of encouraging, promoting, and regulating the sale of leaf tobacco in the city of Bristol.

2. The said corporation shall have power to make and adopt a constitution and by-laws, rules, and regulations for the admission and expulsion of its members and their government; to impose fines and collect the same; to elect its officers and define their duties, and, from time to time, to alter or repeal such constitution, by-laws, rules, and regulations: provided that the same be not inconsistent with the constitution and laws of the United States or the state of Virginia.

Coupons not receivable for taxes.

3. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

Commencem't.

4. This act shall be in force from its passage.

CHAP. 204.—An ACT to amend and re-enact sections 1 and 3, of chapter 71, acts of assembly 1889-'90, to protect the owners of bottles, boxes, siphons and kegs used in the sale of soda water, etc.

Approved February 12, 1892.

Sections amended.

1. Be it enacted by the general assembly of Virginia, That sections one and three, of chapter seventy-one, of session acts of eighteen hundred and eighty-nine and eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That any and all persons and corporations engaged in manufacturing, bottling, or selling soda waters, mineral or aerated waters, small beer, lager beer, weiss beer, white

beer, or other beverages, or medicines, medical preparations, perfumery, compounds, or mixtures, in bottles, siphons, tins, or kegs, with his, her, its, or their names or other marks and devices branded, stamped, engraved, etched, blown, impressed, or otherwise produced upon such bottles, siphons, tins, or kegs, or the boxes used by him, her, it, or them, may file in the clerk's office of the county or corporation court of the county or corporation in which his, her, its, or their principal place of business is situated, *or in the clerk's office of the chancery court of the city of Richmond*, if said principal place of business is situated in said city, and also in the office of the secretary of the commonwealth, a description of the name or names, marks or devices so used by him, her, it, or them, respectively, and cause such description to be printed once in each week for three weeks successively in a newspaper published in the county or corporation in which said notice may have been filed, as aforesaid; and if there be no newspaper published in the county or corporation in which said notice may have been filed, as aforesaid, then in the newspaper published nearest to that county or corporation.

Publication of
marks to be
made.

§ 3. The use by any person other than the person or persons, corporation or corporations, whose device, name, or mark shall be or shall have been upon the same, without such written consent or purchase as aforesaid of any such marked or distinguished bottle, box, siphon, tin or keg, when a description of the name, mark, or device, shall have been filed and published as herein provided, for the sale therein of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or beverages, or of any articles of merchandise, medicine, medical preparations, perfumery, compounds, mixtures, or preparations, or for the furnishing of such or similar beverages to consumers, or the buying, selling, using, disposing of, or trafficking in any such bottles, boxes, siphons, tins, or kegs, by any person other than said persons or corporations having a name, mark, or device thereon, or such owner without such written consent, or the having by any junk dealer or dealer in second-hand articles, possession of any such bottles, boxes, siphons, tins, or kegs, a description of the names, marks, or devices whereon shall have been so filed and published as aforesaid without such written consent, shall, and is hereby, declared to be presumptive evidence of the said unlawful use, purchase, and trafficking of such bottles, boxes, siphons, tins, or kegs.

Unlawful to
sell such pack-
ages.

2. This act shall be in force from its passage.

CHAP. 205.—An ACT to amend and re-enact sections 5, 6 and 12 of an act entitled an act to extend the boundaries of the city of Norfolk, approved February 22, 1890.

Approved February 12, 1892.

Sections
amended.

1. Be it enacted by the general assembly of Virginia, That sections five, six and twelve of an act approved February twenty-two, eighteen hundred and ninety, entitled "an act to extend the boundaries of the city of Norfolk," be, and the same are hereby, amended and re-enacted so as to read as follows:

Assessments in
annexed dis-
trict.

§ 5. The city shall assess the same license taxes for doing business of all kinds within the newly-acquired territory as shall be assessed within the present limits of the city, but, save such license taxes, the inhabitants of the territory hereby annexed, and the owners of lands lying therein, shall not be liable on their real and personal property within the said ward for the period of fifteen years, from the twenty-second day of February, eighteen hundred and ninety, for any part of the present debt of the city of Norfolk nor for the interest thereon; nor shall any tax be levied therefor, nor shall they have to pay an ad valorem tax to the city exceeding the rate levied by the county of Norfolk for general purposes for the year eighteen hundred and eighty-six—namely, seventy cents on the one hundred dollars—unless the city shall, upon the recommendation of the local board of improvement of said ward, acquire, otherwise than by gift or voluntary grant, or devise, property, real or personal, for public free school purposes in said ward, or shall enlarge, or repair existing public school buildings in said ward; and the cost thereof, unless the school-tax as provided in section six of this act shall be sufficient for that purpose, shall be paid from the proceeds of the sale of bonds to be issued by the city, in accordance with section twelve of this act: and unless, further, the city shall, upon petition of a majority of the property owners on any street in the newly-acquired territory, approved by the local improvement board thereof, open, lay off, grade, gutter, curb or pave, sewer, drain, or otherwise improve such streets, or make any other improvement of a permanent character not applicable to the entire ward, in which case the cost thereof shall be assessed against the owners of real property which is benefited by such improvements, as is at present provided by law in said city; and any part of the cost of the same that the city may agree to pay shall be paid as is hereinafter provided for by section twelve of this act. The city shall, upon a petition of a majority of the property owners on any street in the newly-acquired territory, extend a water-main and supply water to the citizens along its line;

May lay off and
grade streets.

then, in addition to the ad valorem tax for general purposes, payable to the city of Norfolk as aforesaid, the same rate of special water tax shall be assessed on the real and personal property along the line of such street as may be assessed upon property within the present limits of the city of Norfolk during the year for which such assessment shall be levied; and the same charges shall be made upon those property owners who shall connect their property with the said water-main as shall be made upon other property owners in the city of Norfolk; and the cost of laying such water-main may be paid by the city, as may be ordered by the councils on the recommendation of the local board of improvement of the ward in which such water-main may be laid, in whole or in part, out of the tax collected for general purposes from such ward, and any balance not so paid shall be paid from the proceeds of bonds to be issued by the city, in accordance with section twelve of this act. Nothing in this act contained shall be construed as allowing any portion of the cost of any improvement of a permanent character not applicable to the entire ward in one of said districts, to be paid out of the taxes collected from it, to be assessed against any of the persons or property in the other district.

§ 6. All taxes levied and collected upon personal property within the limits hereby added to the city of Norfolk, excepting water tax and license taxes, shall be collected by the city collector, who shall, after deducting his fees, pay the same into the treasury of the city, to be set apart as a special fund for the improvement, protection of schools, police, and every other expenditure of the said ward from which it is collected, to be appropriated by the councils, on the recommendation of a local board of improvement in the ward, the said board being at present composed of the five residents of said ward elected by the legally qualified voters of said ward on the fourth Thursday in May, eighteen hundred and ninety, who shall hold office for the term of two years from and after the first day of July succeeding their election, and until their successors are elected and qualified; and the said board thereafter to be composed of five residents of said ward, to be elected by the legally qualified voters of said ward on the fourth Thursday in May, eighteen hundred and ninety-two, to hold office for the term of two years from the first day of July, eighteen hundred and ninety-two, and until their successors are elected and qualified, and biennially thereafter; and all bills for money spent within said ward shall be certified by the said local board of improvement before being ordered to be paid by the councils. All works of internal improvement within the newly annexed territory shall be under the supervision of the board of street, sewer and drain commissioners, as provided by law within the present limits of the city.

Taxes—by whom to be collected; exceptions.

It shall not be lawful for the councils, during the before-mentioned period of fifteen years from the twenty-second day of February, eighteen hundred and ninety, to expend more money in the ward hereby added to the city of Norfolk than shall be collected during the year for general purposes, as hereinbefore provided, from said ward, unless the same be an unexpended balance collected during some previous year, except as provided by section fifth.

Annexed district not to be bonded.

§ 12. It shall not be lawful for the city of Norfolk to issue bonds predicated upon or taking into account the assessed value of real and personal property embraced within the newly-acquired territory until the expiration of fifteen years from the twenty-second day of February, eighteen hundred and ninety, unless the same shall be issued by the city to pay for the purchase of property to be used for public free school purposes in said ward, or to enlarge or repair existing public free school buildings in said ward, in accordance with section five of this act, or for any local improvements of a permanent character made in accordance with said section five, in which case bonds shall be issued by the councils of the city of Norfolk for the city of Norfolk for the amounts necessary to pay for such public free school property, or such enlarging or repairing of existing public free school buildings and other local improvements as aforesaid: provided the amount appropriated for such public free school purposes shall not exceed the sum of fifteen thousand dollars in any one calendar year, beginning with the first day of January; and the proceeds of said bonds shall be expended in the manner provided by section six of this act for the expenditure of the taxes collected for general purposes. An account of bonds issued under this section shall be kept by the board of sinking fund commissioners of said city, and also by the city treasurer. The amount necessary to pay the interest on such bonds shall be annually reserved by the city treasurer out of the taxes collected by the said city for general purposes from the said territory in which such improvement shall be made to pay the interest on said bonds as it becomes due and payable.

Commencement.

2. This act shall be in force from its passage.

CHAP. 206.—An ACT to authorize the board of supervisors of Amelia county to increase the salary of the judge of the county court of that county.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of

Amelia county to increase the salary of the judge of the county court of said county to a sum not exceeding five hundred dollars per annum, which sum shall not be reduced during the term of his said office; and such increased salary shall be paid out of the county levy, as provided by law.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 207.—An ACT to incorporate the Natural oil and fuel-gas company.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, That John M. Bailey and J. Wilder, of Virginia; George H. Towle, S. Lawrence French, and Charles Keveny, of Massachusetts, their associates and successors be, and they are hereby, incorporated and made a body politic and corporate under the name and style of Natural oil and fuel-gas company, and by that name shall be known in law, and have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity; and they may make and have a common seal, and they may alter and renew the same at pleasure, and shall have, enjoy, and exercise all rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act, and may make by-laws, rules and regulations for the government of all under its authority, the management of its properties, and the due and orderly conduct of its affairs.

2. The capital stock of said company shall not be less than one hundred thousand dollars, nor more than five million dollars, and shall be divided into shares, the par value of which shall be one hundred dollars each; and the directors may sell said shares of stock, or any part thereof, at such price as they may deem to be to the best interests of the company, and may receive real or personal property of any kind or services in payment therefor, at such valuation as may be agreed upon between the directors and the purchasers.

3. The said company is also authorized and empowered to issue preferred stock and bonds, to purchase, hold, own, lease, and control in any manner, grant, bargain, sell, mortgage, convey, and otherwise dispose of real and personal properties of any kind in this state or elsewhere: provided that the said company shall not own more than ten thousand acres of land in fee in any one county of this state at any one time.

Privileges.

4. The said company is authorized and empowered to bore, lease, and operate wells for gas, oil, or other liquids, and to mine and quarry coal and other mineral substances. And the said company is authorized and empowered to construct, maintain and operate anywhere in this state or in other states, upon its complying with the legislative requirements of such other state, pipe lines, tanks, distributing pipes, and the necessary works and appurtenances of all kinds, for the purpose of manufacturing, delivering, conducting, storing, handling and supplying corporations or individuals, for use in mills, furnaces, manufacturing establishments, and for other purposes, with its manufactures and products; and for the purpose of constructing, maintaining, and operating any of the above works; the said company shall have all the rights, powers and privileges, necessary to carry out the purposes of this act to the fullest and most ample extent, and those which are given to internal improvement companies by the laws of the state. Whenever this corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be imposed by law upon other like corporations; and it is further provided, the said taxes shall be paid in lawful money of the United States, and not in coupons; and provided, that whenever it shall, for the purpose aforesaid, cross or occupy any street, highway, or alley, it shall lay its pipes below the surface, so as not to interfere in any way with the use of said streets, highways, or alleys, and in so laying its pipes it shall not unnecessarily or unreasonably obstruct the use of any street, highway, or alley, and shall, after so laying its pipes in or across any such highway, street, or alley, restore the surface of such road, highway, street, or alley to as good condition as before; and provided further, that it shall be liable to any and all the damages the public or any person may sustain while such construction is in progress.

Board of directors.

5. The five persons first named in this act shall constitute the first board of directors of the said company, one of whom they shall elect president; they shall adopt a code of by-laws, appoint a secretary and treasurer; and when so organized they shall be authorized to change the corporate name of the company if so desired; to fix, from time to time, the amount of capital stock; and to exercise all the powers conferred by this charter. The secretary shall certify said organization on the books of the company, a copy of which, duly attested by a notary public, shall be received in all courts and elsewhere as evidence of the legal organization of the company. They shall continue in office for one year, and until their successors are elected by the stockholders. Each shareholder in the company shall, at all meetings or elections, be entitled to

one vote for each share of stock registered in his name. Any director may act at all meetings of the board through his attorney in fact.

6. The board of directors may establish offices and agencies at such places as they may deem proper; but the annual meeting shall be held, and the principal office shall be in the state of Virginia. May establish offices and agencies.

7. No stockholder shall ever be liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said company on account of stock purchased from the company by the said stockholder. Liability of stockholders.

8. This charter herein granted, except as to matters herein specially provided for, is hereby declared to be subject to the provisions of the general law in regard to chartered companies and corporations.

9. This company, so far as its properties are located and its operations are conducted within this state, shall always remain a Virginia corporation, and subject to the jurisdiction of its courts. Must remain a Virginia corporation.

10. This act shall be in force from its passage. Commencem't.

CHAP. 208.—An ACT to amend and re-enact section 2644 of the code of Virginia, in regard to the marriage of a female personal representative.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, That section twenty-six hundred and forty-four of the code of Virginia, be amended and re-enacted so as to read as follows: Section amended.

§ 2644. Where an unmarried woman, who is a personal representative, either alone or jointly with another, shall marry, her husband shall not be a personal representative in her right, but the marriage shall not operate as an extinguishment of her authority. Whenever such female personal representative shall marry, the court in which she qualified shall, on the motion of any surety on her bond as such, and may on the motion of any other person interested, or when it shall seem proper to such court, revoke her powers and authority; and, thereafter, the other personal representative, if there be any, may proceed in discharging the trust as if she were dead; and, if there be no other, administration de bonis non (with the will annexed, if there be a will) may be granted by the court.

2. This act shall be in force from its passage. Commencem't.

CHAP. 209.—An ACT to repeal section 4 of an act entitled an act to incorporate the town of Ridgeway, in Henry county.

Approved February 12, 1892.

1. Be it enacted by the general assembly of Virginia, That section four of an act entitled an act to incorporate the town of Ridgeway, in Henry county, be, and the same is hereby, repealed.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 210.—An ACT for the relief of Isabella T. Harvey, of Amherst county.

Approved February 12, 1892.

Preamble.

Whereas, from exhibits filed by Mrs. Isabella T. Harvey, of Amherst county, it appears that she is entitled to the relief given by law to widows of soldiers; and further, that from her bed-ridden condition she is unable to assert her claim in person before the court, as the law prescribes; therefore,

Beneficiary.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts is directed to draw his warrant on the treasurer of the commonwealth in favor of Mrs. Isabella T. Harvey for the sum of ninety dollars, for amount of pension due her under the law; and is further directed to list the name of said Isabella T. Harvey as one entitled to the benefit of the act approved fifth March, eighteen hundred and eighty-eight.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 211.—An ACT to amend and re-enact an act passed March 21, 1836, entitled "an act to incorporate the town of Salem, in the county of Botetourt," and all acts amendatory thereof.

Approved February 12, 1892.

Act amended.

1. Be it enacted by the general assembly of Virginia, That an act passed March twenty-first, eighteen hundred and thirty-six, entitled an act to incorporate the town of Salem, in the county of Botetourt, and all acts amendatory thereof, and amendatory of any acts amendatory thereof, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the town of Salem, in the county of Roanoke, as

chartered by act of assembly of March twenty-first, eighteen hundred and thirty-six, entitled "an act to incorporate the town of Salem, in the county of Botetourt," and all acts amendatory thereof, and amendatory of any acts amendatory thereof, as heretofore laid off and as may be hereafter extended, shall continue to be a body politic in the name of the council of the town of Salem, and as such shall have, exercise, and enjoy all the rights, immunities, and powers, and be subject to all the duties now incumbent upon the said town as a body politic; shall have and exercise all the powers and be subject to all the provisions of the code of Virginia, except so far as may be herein otherwise provided.

§ 2. The municipal authorities of said town shall consist of seven aldermen, who shall be elected every two years by the qualified voters of the said town as hereinafter provided. Municipal offices—how elected.

§ 3. The mayor and aldermen shall constitute the council of said town, and all the corporate powers of said town shall be exercised by said council, or under its authority, except when otherwise ordered. Council.

§ 4. There shall be an election held on the fourth Thursday in May, eighteen hundred and ninety-two, and every two years thereafter; the voting place in each ward to be fixed by the aldermen, of which election and location of voting places the aldermen shall give at least ten days' notice prior to such election. The election in each ward shall be held by three of the qualified voters of the said town, selected by the judge of the county court of said county, and conducted in the manner prescribed by the election laws of this state, at which election the first ward shall elect two aldermen, the second ward shall elect two aldermen, and the third ward shall elect three aldermen, all of whom shall be qualified voters of said town, and residents of the wards for which they are elected. The aldermen so elected shall constitute the council of said town. At their first meeting after their qualification the aldermen so elected shall choose one of their number as mayor, who shall exercise the powers and perform the duties given and required by this act and the general laws of this state for the government of towns of less than five thousand inhabitants. Elections.

§ 5. Be it further enacted, That the said council shall be the judge of the election of its own members. Whenever from any cause a vacancy shall occur in the office of mayor or aldermen the same shall be filled by the council at its next regular meeting. Council shall be judge of election of its members.

§ 6. Be it further enacted, That the said council shall be vested with and exercise, individually or collectively, all the powers and authority which can be exercised by justices of the peace under the charter, by-laws, and ordi- shall have powers of a justice.

nances of said town and under the laws of the state for prosecuting and suppressing unlawful assemblies, disturbances, and violent and disorderly conduct within the corporate limits of the said town. They shall have power to enforce fines, not exceeding one hundred dollars in amount, for violation of the peace, as may be regulated by ordinance of said council, and may commit to jail of said county of Roanoke until said fines are paid, or compel such person or persons so committed to work on the street and public works or buildings for a term not exceeding four months, and to have exclusive jurisdiction in all cases arising under the by-laws and ordinances of the said town, and to issue any and all proper process, whether mesne or final, which may be necessary to enforce their authority.

May use county jail.

§ 7. Be it further enacted, That for the purpose of carrying into effect the police regulations of said town, the said town shall be allowed the use of the county jail of Roanoke county for the safe-keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the said town.

May appoint officers.

§ 8. The said council shall have power to elect a sergeant for the said town, and to appoint all necessary police officers, a town engineer, and town attorney, and also a treasurer and secretary, and prescribe their compensation. The said treasurer, before he enters upon the duties of his office, shall execute a bond, with sureties approved by said council, in penalty double the amount of the revenue of said town, conditioned for the faithful performance of his duties. The sergeant, before entering upon the performance of his office, shall execute his bond, with security approved by said council, in a penalty double the amount of the revenue of the said town in the preceding year, conditioned for the faithful performance of the duties of his office. During his continuance in office as sergeant of said town he shall have within the corporate limits of said town, and within one mile around same, the same powers and perform the same duties and receive the same fees, and be liable to the same penalties as a constable. In collecting the town taxes the said sergeant may distrain and sell therefor in like manner as a treasurer may distrain and sell for state taxes, and shall have in other respects like powers to enforce the collection thereof. Should the office of sergeant become vacant by his removal from the limits of said town, resignation, or otherwise, the said council shall have power to appoint a sergeant to serve as such for the unexpired term. The said sergeant, by and with the consent of the council, can appoint one or more deputies, and require bond from same with penalty conditioned for the faithful performance of their duties. The

Bonds to be required.

council shall have power to remove any officer enumerated in this act for malfeasance or misfeasance in office.

§ 9. Be it further enacted, That the mayor or any two of said aldermen shall have power to summon a meeting of said council, which meeting shall be composed of not less than four members, including the mayor, or, in his absence, a mayor pro tempore, elected by said aldermen, who may be present for the transaction of business, each having one vote, except the mayor, who shall have no vote at any meeting except in case of a tie. The said aldermen, moreover, shall keep a complete record of all their proceedings and accounts in suitable books, and deliver such to their successors in office; the same shall at all times be open to the inspection of persons qualified to vote. Meetings—how called; quorum

§ 10. Be it further enacted, That the said council shall also have power and authority to make all necessary provisions to prevent accidents by fire, and to supply the town with water for all necessary purposes, and to purchase engines, hose, fire-hooks, ladders, and other fixtures useful for preventing accidents by fire, and to organize fire companies. The aldermen of said town shall also have power and authority to negotiate any loan or loans for the purpose of buying necessary real estate, and for the erecting of public buildings, and for the general improvement of the said town, so that the amount borrowed shall not exceed that allowed by law; and shall also have the authority to issue registered or coupon bonds for said loan or loans, payable at not more than thirty years after date of said bonds, bearing interest at a rate not greater than six per centum per annum, payable semi-annually. They shall also have power and authority to establish markets and regulate the same, to graduate and pave, or in any other manner improve the streets, walks, and alleys of said town; to make and maintain sewers; to change, direct and protect the water courses in said town; to prevent and punish by reasonable fines the practice of firing guns, or in any manner setting fire to powder, of running horses, and of all else detrimental to the peace and quiet of said town; to license and regulate shows and other public exhibitions, and the same to tax to such extent as they may deem reasonable and expedient; to prescribe rules for the orderly and regular building of houses and chimneys; to regulate blacksmiths' shops and all other shops considered likely to occasion accidents by fire, and the erection of stoves and stove-pipes; to regulate the erection of privies, stables, and cow-sheds, and prescribe their location; to regulate butchers' stalls and slaughter-houses; to remove and abate nuisances within said town at the expense of those who may occasion them; to prohibit horses, mules, hogs, dogs, cows, and Fire company.
May bond town for public improvements.
May regulate buildings.

other animals from running at large within the limits of said town; to prevent the exhibition of stud-horses and jack-asses in said town, and generally to pass all by-laws and ordinances not contrary to the constitution and laws of this state or of the United States, which the said council may think necessary and proper for carrying into effect the foregoing powers, or that may be hereafter vested in them, and for regulating the police, preserving the peace and good order and government of said town, and to amend or repeal the same at their pleasure, and to enforce the observance of such by-laws and ordinances under penalties not exceeding one hundred dollars for one offence, to be recovered, with costs, in the name of said corporation, before the mayor, or any alderman of said town, and applied in aid of the taxes imposed upon said town.

Annual assessments provided for.

§ 11. Be it further enacted, that the council of said town shall appoint annually an assessor, who shall be a qualified voter of said town, and who shall assess the value of all the real and personal property in the corporate limits of said town, except the public lots, lands, and buildings belonging to the county of Roanoke located in the town of Salem, which said assessment shall not be higher than the assessments made on said property for state taxation, and the same shall form the basis of taxation for said town. And said council shall have power and authority to levy and collect annually a tax on the real and personal property in the corporate limits of said town, except the public lots, lands, and buildings belonging to the county of Roanoke, and on such other subjects within the said town as are or may be taxed by the revenue laws of the state, and on dogs belonging to persons residing in said town, and for the privilege of carrying on any regular business, trade, or profession by persons residing without the corporate limits thereof: provided, that the tax on real estate and personal property shall not exceed in any one year one dollar on every hundred dollars value thereof, and that the poll-tax shall not exceed fifty cents on every male person over twenty-one years of age in any one year; and for the purpose of carrying on any regular trade, business, occupation, or profession within said town by persons residing without the corporate limits, shall not exceed in any one year the tax imposed by the said council on persons residing within the corporate limits for carrying on like business, trade, profession or occupation: Should any person carry on any such trade, business, profession, or occupation without obtaining license therefor and paying the tax required by ordinance, he shall be prosecuted as for violation of the ordinances of said town as hereinbefore provided.

May tax dogs, and issue licenses for business.

Poll-tax.

§ 12. Be it further enacted, That in order the better to determine who shall be liable to taxation in the said town under this act, it is hereby declared that all persons liable to taxation as hereinbefore provided, and residing in or in pursuit of any business, trade, or occupation, calling, or profession in said town, as aforesaid, on the first day of February annually, shall be subject to taxation the current year: provided, however, that whenever satisfactory evidence shall be presented to said council that any person or persons or corporation has invested within the corporate limits of said town the sum of five thousand dollars or more, for the purpose of employing the said capital strictly in the business of manufacturing within the said corporate limits any article or articles, the said council shall, if the manufactories be in actual operation, issue to said person or persons or corporation, who for the purpose of this section may be deemed a manufacturer, a license as such manufacturer, and no corporation or town taxes shall be assessed on or required to be paid on such license or on said capital whilst so invested and so employed within the corporate limits, except as provided in section fourteenth of this act, during the period of ten years from the passage of this act.

Exemptions
from taxation.

§ 13. Be it further enacted, That the said council shall have power and authority to have the sidewalks, curbing, and footways along any street or alley within said town of such width as they may prescribe, properly paved or otherwise suitably improved and repaired and altered whenever they may think fit, at the proper cost and expense of the owners or occupants of the lands or lots along the front or side of which such footways, sidewalks, or other improvements extend, and to levy and collect for that purpose a special tax on each of such lots or pieces of land proportioned to the number of feet of the same fronting on such pavement or other improvements, and to levy and collect for that purpose a special tax on each of such lots or pieces of land proportioned to the number of feet of the same fronting on such pavement or other improvement, which special tax shall be collected by the sergeant of said town as other taxes on real estate within the said town are herein directed to be collected. In all cases where a lessee or tenant shall pay the expense of any such pavement along the side or sides of the land or lot by him occupied for which land or lot, by contract with his lessor or landlord, he shall be bound to pay rent, the amount of any such expense paid by him or collected from him, or made out of his property, shall be a good and valid set-off against so much of the rent due or accruing to his lessor or landlord.

May regulate
and pave side-
walks.

§ 14. Be it further enacted, That all taxes, whether general or special, assessed upon any land or lot in said town

Taxes to con-
stitute lien.

under this act, are hereby declared to constitute a lien upon such land or lot, and if the town sergeant shall not have been able with due diligence to collect the said taxes by the first day of June of the year after the same were assessed, he shall, at the first meeting of the council thereafter, make return upon oath of the taxes so uncollected, and the lands or lots whereon such uncollected taxes were levied; and thereupon said council shall have authority, after first duly advertising, to sell said lots or lands so returned delinquent, subject to any lien the state may have thereon for any state tax unpaid thereon.

May open
streets.

§ 15. Be it further enacted, That the said council shall also have power to lay off and open new streets, cross-streets, and alleys of such width and extent as said council may think fit and convenient, and alter those already laid off and opened, or such as may hereafter be laid off and opened, whether within the original or extended limits of said town.

Town exempt
from county
taxes for poor
and road pur-
poses.

§ 16. Be it further enacted, That the said town and the taxable persons and property therein shall be exempt and free from any poor rates or road taxes, and from contributing to any county expenses; and the said town shall, at its own expense, provide for its own poor and keep its streets in order: provided, however, that the said town of Salem shall pay to the county of Roanoke, in nine equal annual payments (the first of which payments shall be made as of August first, eighteen hundred and ninety), that proportion of nine thousand dollars which the value of the real estate taken in by reason of the extension of the corporate limits of said town under this act bears to the value of the whole of the real estate so taken in, and that of Roanoke county, as ascertained by the assessment of eighteen hundred and ninety.

Jurisdiction
shall extend be-
yond town.

§ 17. Be it further enacted, That for the purpose of maintaining the police regulations of said town under the authority of this act, and for no other purpose, the jurisdiction of the corporate authorities thereof shall be, and the same is hereby, made to extend one mile beyond the limits of said town.

By-laws remain
operative.

§ 18. Be it further enacted, That the by-laws heretofore passed by the trustees of the said town of Salem, and which have not been repealed, shall be, and continue, in force until altered or repealed by the council of said town.

Corporate lim-
its.

§ 19. Be it further enacted, That the corporate limits of the said town shall be as follows: Beginning at the point where the corporate line now crosses the Cove road, north of Salem; thence with the Cove road six hundred feet northward; thence west five degrees south to a point due north of a point two hundred feet west of Langhorne's mill; thence due south to the river; thence with said river eastward to a point due south of the line between the

lands of the Salem improvement company and C. W. Burwell; thence northward with said line to the Big Lick turnpike; thence with the said turnpike northwest to the present corporate line; thence with same to beginning.

§ 20. Be it further enacted, That the said town shall be laid off into three wards, which shall be as follows: the first ward shall begin at a point where the western boundary of the said town crosses Main street; thence with Main street to Water street; thence with Water street to the river; thence with the river to the western line of said town; thence with same to the beginning. The second ward shall begin at the point where the western boundary of said town crosses Main street; thence with Main street to College street; thence with College street to Clay street; thence with Clay street to High street; thence with High street to the northern boundary of said town; thence with the northern boundary of said town to the western boundary of said town; thence with the western boundary of the said town to the beginning. The third ward shall be as follows: beginning at the intersection of Main and Water streets; thence with Water street to the river; thence with the river to the eastern boundary of the town to the Big Lick turnpike; thence with the corporate line to High street; thence with High street to Clay street; thence with Clay street to College street; thence with College street to Main street; thence with Main street to the beginning. There shall be elected in the first ward two councilmen, in the second ward two councilmen, and in the third ward three councilmen.

Shall be divid-
ed into wards.

Boundaries of
wards.

§ 21. The council may, by proper ordinances, erect in or near said town suitable houses of correction or reformation, also station-houses for the confinement of all persons charged with a violation of the ordinances of said town until such time as said persons shall be tried for such violation, or shall use the county jail as such station-house, with consent of the board of supervisors of said county.

May erect sta-
tion houses.

§ 22. The said council shall have authority to permit railroads, to be operated either by steam, horse, or electric power, to be built or laid through the streets of said town, and to regulate the speed, designate the routes and grades, and limit the rates of charges between points within the corporate limits for passengers and freight by street railways, and may wholly exclude the same when the welfare of the town demands such exclusion.

May regulate
speed of trains.

§ 23. The said council shall have power, by proper ordinances, to forbid the sale of liquors (such as is required by law to obtain a license to sell) on Sunday, or the sale of the same to minors without the consent of parent or guardian, and to prevent, forbid, and punish the sale of same at any place not duly licensed, and to impose fines

May regulate
liquor traffic.

for violation of any such ordinances in addition to those prescribed by state laws.

May divide town into sewer districts.

§ 24. In order to sewer said town the council shall have power and authority to divide the said town into convenient sewer districts, to be designated sewer district, number one, sewer district, number two, et cetera. Upon the completion of the sewerage in any such district, it shall be lawful for said town to assess three-fourths of the costs of said sewerage upon the lot-owners of said district, to be assessed against such lot in proportion to number of square feet of said lot, which shall be collected as other taxes and assessments are collected, and the sum as aforesaid shall constitute a lien on said lot, the council to have power to make said assessment payable in such instalments as it may deem proper, the deferred instalments to bear interest at the rate of six per centum per annum, the council to have a list of said lots and the amounts due thereon for said sewer assessments recorded in the clerk's office of Roanoke county: provided, that any lot-owner may pay the whole of said assessments at any time before maturity and have the lot so paid on released from the lien of said assessment: provided further, that no lot shall be subject to said sewer assessment until said sewer pipes are so laid that same can be used by the occupant of said lot for any building that can be erected on said lot on grade line established on streets on which said lot abuts, nor unless proper facilities for using the water from the water system of said town be given to said occupant. When the sewer assessment is paid for, or on account of any lot, there shall be forever attached to said lot the privilege of using said sewer under the regulations and rules prescribed by the ordinances of said council, without any additional tax for said privilege, the said council to keep the sewer mains in proper repair. Upon default being made in payment of said sewer tax assessment, or any instalment thereof, the lot or lots upon which such default is made shall be liable for sale in the same way as lots or lands delinquent for non-payment of taxes as hereinbefore provided.

May erect gas and electric plants.

§ 25. Be it further enacted, That the said town shall have the right to establish, or cause to be established, gas and electric works for the use of the said town.

Registration.

§ 26. Be it further enacted, That all registration of voters and elections held in the said town shall be as provided by the constitution and laws of this state.

Annexed district liable for town debts.

§ 27. Be it further enacted, That the extension of the corporate limits of the town of Salem shall not exempt the property taken into the town by such extension from its liability to taxation for the payment of a subscription of two hundred thousand dollars, or any part thereof, made by the county of Roanoke to the Valley railroad

company, which lands were outside the corporate limits of said town, and were liable to such taxation at the time said subscription was made.

§ 28. Be it further enacted, That the electors residing in the corporate limits of the town of Salem shall not, at any election to be held hereafter for supervisors of Salem magisterial district, in Roanoke county, have the right to vote for such supervisor. Citizens not to vote for county supervisors.

§ 29. Be it further enacted, That the electors residing in the corporate limits of the town of Salem shall not vote in any election that may hereafter be held to ascertain whether or not the said county of Roanoke shall make a subscription to the capital stock of any railroad company or other corporation, or in any other matter affecting the revenues of the said county. Shall not vote to bond county for internal improvements.

§ 30. Be it further enacted, That upon the additional property taken into the corporate limits of Salem by this act, taxes for the year eighteen hundred and ninety shall be assessed and collected by the town of Salem, and not by the county of Roanoke.

§ 31. Be it further enacted, That all acts and parts of acts concerning the town of Salem, in the county of Roanoke, or the lands and lots therein, which are in conflict with or contrary to the provisions of this act, shall be, and the same are hereby, repealed. Conflicting acts repealed.

2. This act shall be in force from its passage.

Commencement

CHAP. 212.—An ACT to incorporate Pennington Gap, Lee county, Virginia.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That the settlement of Pennington Gap, in Lee county, as the same is now, and shall hereafter be, laid off into lots, squares, streets, and alleys, be, and the same is hereby, made a town corporate by the name of Pennington Gap, and by that name shall have and exercise all the powers conferred on towns of less than five thousand inhabitants by the code of Virginia of eighteen hundred and eighty-seven, and to all laws now in force or which may hereafter be enacted in reference to the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act.

2. The limits of said town shall be as follows: Beginning in the middle of Cane creek, at a point where Doctor J. E. Burk's line crosses said creek; thence down said creek as it meanders to a spring east of G. W. Russell's dwelling-house; thence a straight line to the middle of

the old road leading to the Pocket country; thence with the meanderings of said road to the Hanging Rock; thence a straight line to the Day Gap, in Cumberland mountain; thence a straight line to the beginning point.

3. The government of said town shall be vested in a mayor, recorder, seven councilmen, and such other officers as may be provided for by the mayor and council. William S. Hurst is hereby appointed mayor thereof; W. N. G. Barron, F. R. Stickley, E. W. Pennington, J. C. Noel, A. Johnson, D. H. Howard, and J. F. Skaggs, are hereby appointed councilmen thereof, and Harvey Barton is hereby appointed recorder thereof; and the said mayor, recorder, and councilmen shall have and exercise all the powers hereinafter granted to said officers, and shall continue in office until the first day of July, eighteen hundred and ninety-two, and thereafter until their successors shall be elected and qualified according to law, a majority of whom shall constitute a quorum for the transaction of business. The mayor, recorder, and councilmen shall compose the town council.

4. The election for mayor, recorder, and councilmen shall be held on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May in every year thereafter. Such election shall be held at the place in said town, and conducted under the supervision of three commissioners, appointed by the town council for the purpose. Within two days after any election has been held under this act, the commissioners who conducted the cause shall certify the names of persons elected to the clerk of the county court of Lee county, and to the officers elected, which certificates shall be entered among the records of said county and corporation.

5. In all elections for the offices of this corporation all persons who are by laws of this state entitled to vote for members of the general assembly, and who shall have resided in the said town for three months next preceding the day of election then to be held, shall be entitled to vote.

6. The persons to be elected under the provisions of this act shall be inhabitants of said town; and it shall be their duty, on or before the first day of July next after their election, to take and subscribe the oaths required by law to be taken by county and district officers, before a justice of the peace or a notary public of Lee county, and they shall enter upon the discharge of their duties as such officers on the first day of July next after their election, and hold their offices for a term of one year, and until their successors are elected or appointed and qualified. The oaths taken and subscribed under this section shall be filed with the records of said town.

7. When from any cause a vacancy may occur in the office of mayor, recorder, or councilmen, the town council

shall, by a vote of a majority of such as remain, fill such vacancy from the citizens of the town eligible to the office under this act.

8. The mayor of said town shall take care that the ordinances, resolutions, and by-laws of the town council are faithfully executed. He shall be ex-officio a conservator of the peace within said town, and shall, within the same; exercise all the powers and duties vested by law in justices of the peace in criminal and civil cases. He shall have power to render judgment and issue executions in all matters wherein he has jurisdiction by reason of the authority vested in him under this act; and in case of a trial and conviction of any party for the violation of any provision of this act, or of any ordinance, by-law, or regulation of said town, or any crime against the laws of this state, wherein the punishment is by fine, and the fine be not immediately paid, together with all costs; it shall be lawful to require such offender to work out such fines, and all jail fees and other costs, on the streets or other public works of said town, at the rate of fifty cents per day. In all matters where it may be necessary to carry into effect the purposes of this act, said town authorities shall have the right to use the jail of Lee county for that purpose.

9. The mayor, recorder, and any four councilmen, or the mayor, or recorder, and any five councilmen, or in the absence of both the mayor and recorder, any six councilmen, shall constitute a quorum to do business. The mayor shall preside at the meetings of the council. In his absence the council shall select one of their number to preside, and the proceedings shall be signed by the person presiding. If at any meeting the recorder be absent, the person presiding shall appoint some other person to discharge the duties of recorder for that meeting.

10. The town council shall cause to be kept in a journal an accurate record of all its proceedings, which shall be open to the inspection of any person residing in said town. The mayor and recorder shall have votes as members of said council, and the person presiding at the time of any tie vote shall have the casting vote. The recorder shall attend all meetings of the council, keep a journal of its proceedings, have charge of and preserve the records of the town, and perform such other duties as the town council may prescribe.

11. It shall be the duty of the town council, at their first meeting after their appointment or election, or as soon thereafter as practicable, to appoint a sergeant, who shall hold his office during the term of the council which elected him and until his successor is duly elected and qualified; and who shall, within the limits of said town and one mile beyond its said limits, have the powers and

be subject to all the laws applicable to constables by the laws of this state and not inconsistent with the provisions of this act. The town council shall require of said sergeant a bond in such penalty and with such conditions and such securities as it may prescribe; which bond shall be filed with the record of said town, and a copy thereof, certified by the mayor, recorded in the bond-books of the county court of Lee county; and said sergeant shall take and subscribe the oaths required by law of county and district officers, and execute the bond required by the town council before entering upon the duties of his office.

12. It shall be lawful for said town council to make and pass orders, by-laws, ordinances, and resolutions for the the government of said town, so that the same be not contrary to the laws and constitution of this state and of the United States, and for the violation of the same to prescribe reasonable fines, but in no case to exceed fifty dollars.

13. To meet any expenditures that may be necessary and chargeable to said town for any purpose, the town council may, at such times as to it seems proper, levy a town levy of so much as in its opinion may be necessary, upon all persons and property in said town not exempt from taxation by the laws of this state: provided, that a capitation tax greater than twenty-five cents per head on all male inhabitants of said town over the age of twenty-one years shall not be levied in one year; and provided further, that the tax levies from all other purposes shall not exceed twenty-five cents on every hundred dollars of the value thereof for any year: provided, however, that said council, by a two-thirds vote of the entire council, may exempt any real or personal estate used for manufacturing purposes or other enterprises from all municipal taxes for a period not exceeding five years at a time, if it shall deem it expedient to do so, in order to encourage the establishment of any enterprise in said town.

14. The town sergeant shall have power to collect the town taxes, fines, and levies, and one month after the time he shall have received the book of the assessor of said town, to distrain and sell therefor in like manner as is now provided by law for the collection of state taxes, and shall have the same powers as constables and county treasurers to enforce the collection and payment of such taxes, fines, and levies, and examinations of the mayor in civil causes. And such sergeant may at any time be removed by the said council for any neglect or default in duty, or for failure to properly and promptly account for any money in his hands, as the council may direct.

15. There shall be a lien on real estate for town taxes and levies assessed thereon from the commencement of the year for which they are assessed, and the town council

may order and require real estate within said corporate limits, delinquent for the non-payment of the town taxes thereon, to be rented or sold by the sergeant at public auction, and at some public place in said town, for the arrears, with interest, with such a per centum as said council may prescribe for all costs and charges, and the surplus, if any, shall be paid to the person entitled thereto. But before offering such delinquent property for sale or rent, the time, terms, and place of sale, the amount due thereon, and person in whose name the same is charged, shall be advertised by posting notices at the front door of the court-house of Lee county, and at three or more public places in said town, for at least thirty days. Said council shall fix a time within which such property may be redeemed by any person who has an interest in such property, or as creditor of such person; and if there be a failure to redeem within the time prescribed by said council, the recorder of said town shall make conveyance of the real estate so sold in the same manner as is now provided by law for conveyance by clerks of courts of lands sold for taxes, and such conveyance shall operate to pass whatever title the party charged had in such property. The lien for town taxes and levies, and any conveyance under this section, shall be subject to the lien of all state and county taxes, and all prior liens of every kind belonging to any individual, firm, or corporation, due on the real estate upon which such lien is, or which may have been so conveyed.

16. The said town and the taxable persons and property therein shall be exempt and free from the payment of any road tax until after said town shall have failed, at its own expense, to keep its streets in order.

17. The county court of Lee county shall in no case grant license to any person for the sale of liquors within the corporate limits of said town, nor within one mile of the same, unless such person shall present a certificate from said town council, certifying that such person is a suitable person for the business, and that in the place where such business is proposed to be conducted is suitable, convenient, and appropriate. Any manufacturer of spirituous or malt liquors who shall sell the same by the gallon or otherwise within said town, or within one mile of its corporate limits, without the consent of said town council in writing, shall be fined fifty dollars for each offence, and he may be arrested on the warrant of the mayor and tried by him.

18. The persons named in the third section of this act shall, immediately after their appointment hereunder, take the oath of office required by section sixth of this act; and if any fail to so qualify, those who do so qualify

shall appoint other inhabitants from said town in their room and stead.

19. The town council may levy a tax or license to agents of insurance companies; to theatrical or other performances or shows; to keepers of billiard or pool tables; to other persons engaging in any other business for which a license may be required by the laws of the state.

20. This act shall be in force from its passage.

CHAP. 213 —An ACT to amend and re-enact section 50 of chapter 7 of the code of Virginia, in relation to apportionment of representation in congress.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That section fifty, chapter seven, of the code of Virginia, in relation to the representation of the state of Virginia in the congress of the United States, be amended and re-enacted so as to read as follows:

§ 50. The counties of Accomac, Northampton, Lancaster, Richmond, Northumberland, Westmoreland, Gloucester, Middlesex, Mathews, Essex, King and Queen, Caroline, Spotsylvania, and the city of Fredericksburg, shall form the first congressional district.

The cities of Norfolk, Williamsburg, and Portsmouth and the counties of Princess Anne, Norfolk, Nansemond, Isle of Wight, Southampton, Elizabeth City, Warwick, York, James City, Charles City, and Surry, shall form the second congressional district.

The cities of Richmond and Manchester and the counties of Henrico, Goochland, Chesterfield, New Kent, Hanover, and King William, shall form the third congressional district.

The city of Petersburg and the counties of Prince George, Sussex, Dinwiddie, Greensville, Brunswick, Mecklenburg, Lunenburg, Nottoway, Amelia, Powhatan, and Prince Edward, shall form the fourth congressional district.

The city of Danville, the town of North Danville and the counties of Pittsylvania, Franklin, Floyd, Henry, Patrick, Carroll, and Grayson, shall form the fifth congressional district.

The cities of Lynchburg, Roanoke, and Radford and the counties of Montgomery, Bedford, Campbell, Charlotte, Halifax, and Roanoke, shall form the sixth congressional district.

The cities of Winchester and Charlottesville and the counties of Frederick, Clarke, Warren, Rappahannock,

Madison, Greene, Albemarle, Rockingham, Shenandoah, and Page, shall form the seventh congressional district.

The city of Alexandria and the counties of Loudoun, Fairfax, Alexandria, Fauquier, Culpeper, Orange, Louisa, King George, Stafford, and Prince William, shall form the eighth congressional district.

The counties of Lee, Scott, Wise, Dickenson, Buchanan, Russell, Washington, Smyth, Bland, Tazewell, Wythe, Pulaski, Giles, Craig, and the city of Bristol, shall form the ninth congressional district.

The city of Staunton and the counties of Augusta, Highland, Bath, Alleghany, Rockbridge, Amherst, Nelson, Appomattox, Buckingham, Fluvanna, Cumberland, and Botetourt, shall form the tenth congressional district.

2. This act shall be in force from its passage.

CHAP. 214.—An ACT to incorporate the Clinch river boom company in Wise county.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That Charles Davis, Charles W. Pierce, John L. Dingus, and John B. Moon, of Virginia, and F. M. Clement, of Maine, and their associates and successors, be, and they hereby are, constituted and made a body politic and corporate by the name and style of the Clinch river boom company, and by that name and style shall have all the rights, powers, and privileges conferred by and be subject to all the provisions of the general laws of Virginia in reference to corporations and chartered companies, so far as the same may be applicable and not inconsistent with the provisions of this act.

2. The capital stock of the said company shall not be less than two thousand dollars, and shall be divided into shares of one hundred dollars each, and the amount of such capital stock may be increased from time to time by the board of directors to an amount not more than ten thousand dollars; and such board may issue shares of stock and sell the same at such price as may be fixed and agreed to by them, and may in their discretion receive and pay for such shares in property, money, or services rendered, at prices agreed on by said board, and said minimum amount of capital stock may also be paid in property, money, or services at prices agreed on by said board, or by the stockholders or corporators constituting the first stockholders' meeting of said company.

3. The first meeting of the corporators hereinbefore named shall be held in St. Paul, Virginia, as soon as a

majority of such corporators may there convene, and upon the minimum amount of said capital stock being taken or subscribed for by said corporators or other persons, then such meeting (being attended by a majority of those subscribing to such stock) shall constitute the first general stockholders' meeting, and the general annual meeting of such stockholders shall be held annually thereafter in said place, or at such other time and place in Virginia as the stockholders may in general meeting appoint; and the principal office of said company shall be in said place, or at such other place as the stockholders in general meeting may designate.

4. The board of directors shall consist of five members, who shall from their number choose a president, and who may appoint all such other officers or agents as they may deem proper; but the stockholders may in general meeting at any time increase the number of such directors.

5. The said company may construct, operate, and maintain, at or near St. Paul, Virginia (on the Clinch valley extension of the Norfolk and Western railroad), a boom and breakwater in the Clinch river, with proper machinery and appliances for the safe-keeping and handling of logs, rafts, and timber, and drawing the same from the water, and may acquire, by lease or purchase, so much real estate as may be necessary for these purposes, and may encumber, lease, or sell the same, and may borrow and lend money: provided, however, that no such boom, breakwater, machinery, or appliances, or other structures of said company shall be so constructed or built as to prevent the floating of logs and timber down said river by other persons. Said company may hold stock in other corporations and other corporations may hold stock in said company.

6. All taxes and other public dues accruing from said company to the state of Virginia shall be paid in lawful money of the United States, and not in coupons or any other thing whatsoever.

7. This act shall be in force from its passage.

CHAP. 215.—An ACT to incorporate the Blue Ridge railway company.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That William Smythe, W. Scott, J. B. Hawley, J. W. Williams, and Z. T. Dobyns, of Virginia, or such of them as may accept the provisions of this act, their associates, successors and assigns, be, and they are hereby, incorpo-

rated and made a body politic and corporate, under the name and style of Blue Ridge railway company, and as such are authorized and empowered to locate, construct, equip, and operate a railroad of narrow or standard gauge, by electricity or steam, commencing at Jacksonville, Floyd county, and running in a northerly direction along, parallel, across, and upon the Jacksonville and Christiansburg turnpike to the Norfolk and Western railroad, if they deem it proper, by Jacksonville in a westerly direction on, across, or over the Floyd courthouse and Hillsville turnpike to a point most practical to reach the Norfolk and Western railroad at Radford, by, and with consent, of the board of supervisors of the county of Floyd.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity, and may make and have a common seal, and alter or renew the same at pleasure; and shall have possession and enjoy all the rights and privileges of a corporation or body politic in the land and necessary for the purposes of this act.

3. Capital stock of said company shall not be less than two thousand dollars, and may from time to time be increased, not exceeding five hundred thousand dollars, by issuing, sale of shares from time to time, under such regulations as the board of directors of said company shall from time to time prescribe, and the directors may receive cash, labor, material, real or personal property in payment of subscription to capital stock, at such valuation as may be agreed upon between the directors and subscribers, and may make such subscriptions payable in such manner or amounts, and at such times as may be agreed upon with the directors and subscribers.

4. It shall be lawful for said company to borrow money and issue and sell its bonds from time to time, for such sum and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its work, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any of its property, real and personal, and mixed, its covenants, contracts and privileges, and its chartered rights and franchises, including its franchise to be a corporation, and it may, as the business of the company may require, sell, lease, convey and incumber the same.

5. The said company is authorized and empowered to locate, construct, equip and operate lateral or branch roads or tramways from any point on its line of railroad to any springs, ore banks, mine, or other operations, in the county of Floyd, or counties adjacent thereto, or to connect the said line with that of any other railroad now or hereafter to be constructed, in or to any of said counties; and the

said company may connect or unite its said road with that of any other company, or consolidate and merge its stock, property and franchises with those of any other company operating, or authorized to operate, a connecting line of railroad, upon such terms as may be agreed upon between the companies so uniting or connecting, merging, or consolidating; and for that purpose power is hereby given to it, and to such other company or companies, to make and carry out such contracts as will facilitate and consummate such connection, merger, or consolidation: provided, that a copy of every such contract of consolidation and merger shall be filed in the office of the board of public works.

6. The said company may acquire by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroad and the necessary stations and depots for its operation, and may connect or unite its railroad with that of any other railroad company.

7. The said company shall be required to commence the construction of the said railroad within two years from the passage of this act, and to complete the construction of its main line within five years after; otherwise, the powers, privileges, and franchises hereby granted shall be *ipso facto* void.

8. The persons first named in this act, or such of them as shall accept the provisions thereof, shall have the power and authority of a president and board of directors for the purpose of organization and for all other purposes. They shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name.

9. The board of directors shall be stockholders of said company. They shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever ten per centum of the capital stock shall have been subscribed, and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of business.

10. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal administrative offices of the company shall be located at some point within the state of Virginia.

11. The general assembly hereby reserves to itself the right to modify, amend, or repeal this act at its pleasure. All taxes to be paid in lawful money, and not in coupons.

12. This act shall be in force from its passage.

CHAP. 216.—An ACT to amend an act entitled an act to authorize the Washington, Ohio and Western railroad company to make contracts of lease and consolidation with certain other railroad companies, and to connect, cross and unite with certain other railroads, approved March 3d, 1884.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That the first section of "an act to authorize the Washington, Ohio and Western railroad company to make contracts of lease and consolidation with certain other railroad companies, and to connect, cross and unite with certain other railroads," approved March third, eighteen hundred and eighty-four, be amended so as to read as follows:

1. Be it enacted by the general assembly of Virginia, That the Washington, Ohio and Western railroad company be, and hereby is, authorized to cross at grade, unite, or connect with, or lease, use, or operate, or consolidate with, or be leased, used, operated by, or consolidated with any railroad company incorporated by the laws of the United States, or any of the states thereof, now constructed or in process of construction, or which may hereafter be constructed, or any one or more of such railroad companies, and with any other railroad company or companies which now are or may hereafter be leased by, or used or operated by or consolidated with any one or more of such railroad companies, and, with the consent of a majority of its stockholders, to consolidate its capital stock, property, and franchises, by change of name and otherwise, with the capital stock, property, and franchises of any one or more railroad companies; and power is hereby granted to any railroad company or companies incorporated by or under any act or acts of the general assembly of the state of Virginia to make and carry out, with the like consent of a majority of their stockholders, respectively, such contracts or consolidation or lease; and said Washington, Ohio and Western railroad company, and said consolidated company, shall also have the power, in the event of any lease or consolidation contemplated hereby, with the consent of a majority of its stockholders, to increase or decrease the number of its directors, to increase or decrease its capital stock from time to time, as may be deemed best, and to issue one or more series or grades of preferred stock, and to sell or dispose of such preferred or common stock on such terms and for such prices as the board of directors may from time to time determine, or exchange the same for capital stock or other securities of any other railroad company with which it may consolidate, and to borrow for the uses of said consolidated company or com-

panies, or of the said Washington, Ohio and Western railroad company, such amounts of money as may from time to time be determined by the board of directors of said Washington, Ohio and Western railroad company, or said consolidated company, which amounts so borrowed may be evidenced by bonds or other securities secured by a mortgage or mortgages upon any interest in any property and franchises owned or consolidated by any of said companies, and said money, or the bonds or other securities of said railroad company, secured by mortgage or mortgages, or otherwise, or said consolidated company may be used by said railroad company or said consolidated company, for any and all purposes which to its board of directors may seem proper, provided, that in all consolidations a copy of the agreement of consolidation shall be filed in the office of the secretary of the commonwealth, and that any company with which said company may consolidate, or by which it may be leased, shall remain subject to the general laws of Virginia and to the jurisdiction of its courts; and provided further, that in the construction or extension of the said Washington, Ohio and Western railroad beyond its present terminus at Round Hill, in Loudoun, county, Virginia, the provisions of the charters of the Alexandria, Loudoun and Hampshire railroad company, and the Washington and Ohio railroad company, as to the location of said road, and to making the town of Winchester a point thereon, shall be fully carried out, and this, no matter what the future name of said company may be, or with what company or companies it may be consolidated under the provisions of this act.

§ 2. There shall be paid to the clerk of the county or corporation in which any mortgage authorized by this act may be presented for recordation, the existing rate of taxation for such recordation upon the assessed value of the road-beds, depots, station buildings, and lots, and machine shops, fixtures and rolling stock, and any real estate not included in said enumeration in the state of Virginia conveyed in such mortgage, and upon presentation to the clerk of the county or corporation where it is proposed to record said mortgage of a certificate of the auditor of the state of the amount of the assessed values of the said property within the state of Virginia, and upon the payment of the tax thereon to the said clerk, the said mortgage shall be recorded without other charge than the clerical fees provided in such cases. Certified copies of such mortgage may be recorded in any county of Virginia in which property covered by such mortgage may be located, upon payment of clerical fees.

§ 3. The said company, by the acceptance of this act, agrees to pay all taxes, dues, and demands due the state and

lawfully assessed against it, in lawful money of the United States, and not in coupons.

2. This act shall be in force from its passage.

CHAP. 217.—An ACT to amend and re-enact sections 1 and 8 of an act approved February 25, 1890, entitled an act to incorporate the Fincastle and Southern Botetourt development company.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That sections one and eight of an act approved February twenty-fifth, eighteen hundred and ninety, entitled "an act to incorporate the Fincastle and Southern Botetourt development company," be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That William B. Simmons, C. M. Lunsford, C. B. Camper, R. L. Houseman, Lewis Houseman, junior, Charles E. Layman, Charles H. Vines, J. H. H. Figgat, Turner McDowell, E. J. Brugh, Cyrus Dogget, James Godwin, R. K. Thompson, George Swann, I. A. Woodson, and John Ross, or such of them as have accepted the provisions of the act aforesaid, their associates, successors, and assignees, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Fincastle and Southern Botetourt development company, and as such are authorized and empowered to locate, construct, complete, equip, and operate a railroad line, commencing at a point on or near the line of the Shenandoah Valley railroad, at or near Cloverdale depot, or such other point on said railroad as may be deemed most practicable, in the county of Botetourt, running thence to a point within or near the corporate limits of Fincastle, by such route as may be deemed most advisable by the directors of said company, and by that name shall be known; and the said company shall have the right to operate their road by the use of locomotive steam engines or dummy engines in hauling freight cars and transporting passengers, mail, and express traffic.

§ 8. The said company shall be required to commence the construction of said railroad within two years, and to complete the line to Fincastle, from the Shenandoah Valley railroad, within five years from the passage of the act to incorporate the said company, otherwise the powers, privileges, and franchises hereby granted shall be ipso facto void.

2. This act shall be in force from its passage.

CHAP. 218.—An ACT to allow the treasurer of Washington county additional time to levy for and collect tax-tickets held by said treasurer, and not returned delinquent.

Approved February 15, 1892.

Whereas, S. M. Withers, treasurer of Washington county, has in his hands various tickets for taxes and levies, both state and county, for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, and eighteen hundred and eighty-nine, which have not been returned delinquent and insolvent, and for which he has accounted to the auditor of public accounts and the county authorities; therefore,

1. Be it enacted by the general assembly of Virginia, That authority is hereby given the said S. M. Withers to collect the amount due upon said tickets for taxes and levies; and he shall have the power of levy and distress for the same that treasurers now have under the present law, and that this power be extended for the period of one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 219.—An ACT to declare Rockfish river, in Nelson county, between certain points, a lawful fence.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That that portion of Rockfish river, in Nelson county, from the mouth of Davis creek to the stage bridge be, and the same is hereby, declared a lawful fence as to all stock mentioned in section two thousand and forty-two, code of Virginia, eighteen hundred and eighty-seven: provided, that nothing in this act shall be construed as repealing section two thousand and thirty nine, code of Virginia, eighteen hundred and eighty seven, relating to making said river a lawful fence in said county between its mouth and Tilman's ford, and from the mouth of Davis creek to the fork of said river.

2. This act shall be in force from its passage.

CHAP. 220.—An ACT to authorize the town of Covington to issue bonds and borrow money.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the town of Covington, in the

county of Alleghany, state of Virginia, to issue the bonds of the town, not to exceed in the aggregate the sum of ten thousand dollars, for the purpose of paving the sidewalks of said town and putting in necessary sewerage.

2. The bonds so issued shall be thirty-year coupon bonds of the denomination of one hundred dollars each, numbered and registered, signed by the mayor and secretary of the council of said town, and shall bear interest at the rate of not exceeding six per centum per annum, and shall be redeemable at any time after the expiration of twenty years, at the option of the town.

3. The bonds issued under this act shall not be sold at less than par, and the town council of said town shall provide for the payment of the annual interest and the principal of said bonds by levying annually for ten years a tax sufficient to pay the annual interest, and by levying annually, after ten years, a tax sufficient to pay the annual interest and one-twentieth of the principal of said bonds. Taxes collected under this act shall be kept separate from other taxes, and shall be used only for the purposes aforesaid. But the council may by ordinance provide for the proper investment of any surplus at any time on hand until the same can be used in the redemption of the bonds aforesaid.

4. The said town of Covington, by an appropriate ordinance of the town, shall assess one-half of the cost of such paving of sidewalks as may be done, and collect the same by its sergeant or other collecting officer as other taxes are collected, against the owners of the abutting lot or lots, and the real estate against which said costs are so assessed may be sold for the non-payment of said costs, as real estate may now be sold for delinquent taxes.

5. The bonds authorized to be issued under this act shall be issued at such time and in such sums as the council of said town may authorize by vote of two-thirds of all of its members.

6. This act shall be in force from its passage.

CHAP. 221.—An ACT for the relief of tax-payers in assessment district, No. 2, in Botetourt county, against erroneous assessments.

Approved February 15, 1892.

Whereas, from satisfactory evidence, it appears that the assessors of lands for the lower district, or district number two, of Botetourt county, for the year eighteen hundred and ninety, failed, owing to sickness and other causes, to make return of his assessments at the time required by

Preamble.

section four hundred and forty-three of the code of Virginia, and did not, in fact, make such returns to the clerk's office of said county until in January, eighteen hundred and ninety-one, after the time had elapsed wherein, as is provided in section four hundred and forty-four of the code of Virginia, any person feeling himself aggrieved by the assessment of his lands or lots might apply to the county court to have such assessment corrected, by reason whereof, in cases where erroneous assessments have been made in said district, the county court has been unable to grant application for correction; therefore,

Assessments of
land in Botet-
court.

1. Be it enacted by the general assembly of Virginia, That any person feeling himself aggrieved by the assessment of his lands or lots for the year eighteen hundred and ninety in the lower district, or district number two, of Botetourt county, may, upon giving notice to the assessor and to the attorney for the commonwealth, apply to the county court of Botetourt county, at any time within three months from the passage of this act, and not after, to have the assessment of his lands or lots corrected, which notice shall be in writing, and shall have appended thereto an affidavit of the owner, or his duly authorized agent, that, in the opinion of the affiant, the assessment of his lands or lots is above what the true value thereof was at the time such assessment ought to have been made. The attorney for the commonwealth shall defend the application, and if the court shall be satisfied that the assessment was too high, it shall reduce the same to what, in its opinion, was the true value of such lands or lots at the time such assessment ought to have been made; but if it shall be of the opinion that the assessment was too low, then it shall increase it in like manner, and such application shall have precedence over all other causes pending in said court; but no costs shall be taxed against the applicant or the commonwealth.

May increase
its assessment.

Taxes extended
on a certain
basis.

2. Where the assessment is changed by order of the court, pursuant to the foregoing section, taxes for the year eighteen hundred and ninety-one, and for every year thereafter until a new assessment is made, shall be extended upon the basis of the assessment so fixed.

Section 444 of
code repealed.

3. Section four hundred and forty-four of the code of Virginia, eighteen hundred and eighty-seven, so far as it is in conflict with this act, is hereby repealed.

4. This act shall be in force from its passage.

CHAP. 222.—An ACT to incorporate Blackstone female institute.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That J. S. Hunter, J. C. Watson, J. A. Hardy, Benjamin Irby, John P. Irby, George P. Adams, Charles B. Hardy, E. C. McCulloch, Joseph W. Crowder, William H. Cralle, E. Frank Crowe, R. W. Manson, Isam T. Bagley, R. E. Bridgforth, G. E. Kennedy, G. E. Barrow, J. W. Hardaway, G. Trenley Cralle, Lewis D. Hardy, A. C. Ogburn, E. W. Russell, E. S. Emory, Thomas Cralle, James E. Clarke, H. W. Nosworthy, John P. Whitmore, T. H. Campbell, R. H. Blankinship, and eight others to be hereafter elected under the fourth section of this act, and their associates and successors, be, and they are hereby, constituted a body politic and corporate under the name and style of the Blackstone female institute, to be located at Blackstone, Nottoway county, Virginia, and by that name shall have perpetual succession and a common seal, sue and be sued, plead and be impleaded, purchase, receive, hold, sell, and dispose of any property, real and personal, necessary and proper for the use and benefit of said institute; and under their common seal make and establish, from time to time, such rules, regulations, and by-laws, not contrary to the laws of Virginia for the appointment, government and control of the professors and students thereof, and for the conduct and maintenance of a female college or school.

2. The corporators above named, and their associates and successors, shall constitute a board of managers, in whom shall be vested, under the supervision of the conference of the presiding elder's district of the Methodist episcopal church, south, in which this institute is located, all the powers hereby granted.

3. The board of managers shall have power to elect its own president and other officers, and to establish rules, regulations and by-laws for their government, and to take bonds for the faithful performance of their duties; to locate and erect suitable buildings; to establish the curriculum of said institute; to fix the requisites for the degrees, to be conferred, and to confer upon any student or students they may deem worthy the different scholastic degrees conferred by other colleges, seminaries and institutes of learning, and to award diplomas.

4. All vacancies now existing, or that may hereafter arise from death, resignation, or otherwise, shall be filled by said board, subject to the approval of the conference of the presiding elder's district of the Methodist episcopal church, south, in which the institute is located: provided,

that at no time shall the board of managers consist of a greater number than thirty-six.

5. The professors, instructors and teachers in said institute are hereby constituted conservators of the peace, with all the powers and liabilities thereof during the sessions of said institute and within the grounds of the same.

6. This act shall be in force from its passage.

CHAP. 223.—An ACT to incorporate the Atlantic, Staunton and West Virginia railway company.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That Henry Hutcheson, O. K. Lapham, P. H. Trout, T. D. Ranson, Reeves Catt, E. C. Vincent and J. W. Bodley, and their associates, successors and assigns, be, and they are hereby, constituted and declared a body politic and corporate by the name and style of the Atlantic, Staunton and West Virginia railway company.

2. The capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, and said capital stock may from time to time be increased by the board of directors to any amount not exceeding fifteen million dollars.

3. It shall be lawful for any county, city, town, or individual to subscribe to the capital stock of said railway company, or any branch thereof, in the manner the law prescribes.

4. The said Atlantic, Staunton and West Virginia railway company is hereby authorized, empowered and permitted to locate, construct, equip and operate a railroad of standard gauge, with one or more tracks, having for beginning any point it may select on the Potomac, York river, or Chesapeake bay between the York and Potomac rivers, thence running west by any route the directors may select to Staunton, in Augusta county, Virginia; thence west by any route they may select to the West Virginia state line.

5. Subject to the general railroad law of this state, it shall be lawful for the said company to cross at grade, over, or under any other railroad now constructed, or which shall be hereafter constructed, within this state; to construct lateral or branch roads not exceeding twenty miles each in length, subject to the same limitations and restrictions as the main line, but, as to gauge, may be of such gauge as to the company seems best. It may unite its roads with any other roads in this state, or that may here-

after be built; may enter the grounds of such railroads, with the necessary sidings, switches, turnouts, conveniences and facilities as will aid in the furtherance of the construction of the said railway, or facilitate the exchange or handling of passengers and freight between the said railway and other railways in this state; but in all cases in which the said railway company shall subject the real estate of any other company to its uses, or acquire any of the same, it shall be in the mode prescribed by law.

6. The said company shall have power to issue and sell bonds at such times and on such terms as to the directors may seem expedient, or to borrow money in such sums as they may deem necessary to carry on its work; and in order to secure the payment of its bonds or the repayment of the money so borrowed, may create mortgages or deeds of trust on its chartered rights, franchises, and property. And the said company may receive as subscriptions to its capital stock any real or personal property that may be agreed on between the said company and the subscribers, and may exchange its bonds for such property, and such property may be chartered rights and franchises; and it may hold, sell, improve, or convey, in such manner as to the company may seem best, any real estate so acquired: provided that it shall not hold real estate not needed for the purpose of the corporation longer than a period of thirty years from the date of the grant to it of said land.

7. Subject to the laws of this state, the said railroad company may consolidate, lease, purchase, and acquire the franchises, works, privileges, and property of any other railroad company now existing in this state or hereafter built, not a parallel or competing line, or it may consolidate with, lease, purchase, or acquire the franchises, works, privileges, and property of any other railroad without this state whose lines will thereby be made to connect with or be operated in connection with the railway hereby authorized to be built; and any railroad company heretofore incorporated in this state, the line of which connects with, or will connect with, the railway hereby incorporated and authorized to be constructed, or which lies along its route and could be utilized as a part of its lines, or in lieu of such branch roads as this company may construct, is hereby authorized to sell, to lease, or convey its works, property, privileges, and franchises to the Atlantic, Staunton and West Virginia railway company on such terms as the stockholders of the respective corporations or the legally constituted authorities of said respective corporations shall agree: provided, that in such consolidation, sale, or any other manner, this corporation shall never lose its identity or cease to be a domestic corporation, subject to the jurisdiction of the courts and laws of this state.

8. The incorporators named in this act shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. They shall have the power and authority of a president and board of directors for the purpose of organization, and for all other purposes incident thereto. They shall elect one of their number president of the board, and may appoint such officers as they deem proper. They shall fill any vacancy that may occur in the board or in the office of president, and may receive subscriptions to the capital stock of the company. Whenever ten thousand dollars of the capital stock shall have been subscribed the board of directors shall proceed to organize the company by the election of a president, a vice-president, secretary, treasurer, and such other officers and agents as may be required. The said company shall be then considered legally organized, and shall have all the general powers conferred upon corporations and chartered companies by the laws of this state, and shall be subject to all the provisions thereof, except in so far as the same are modified or are inconsistent with this act.

9. The board of directors of this company is authorized at any meeting when the majority of the directors are present, if they deem it advisable, to change the name of this company.

10. All taxes which may be assessed against said company shall be paid in lawful money of the United States, and not in coupons. The construction of said road shall be begun in two years from the first of April, eighteen hundred and ninety-two, and completed in five years thereafter.

11. This act shall be in force from its passage.

CHAP. 224.—An ACT to amend and re-enact sections 2485 and 2486 of the code of Virginia, in relation to the lien of employees, &c., of transportation, mining, and manufacturing companies, on franchises and property of said companies, and how the same may be perfected and enforced.

Approved February 15, 1892.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and eighty-five and section twenty-four hundred and eighty-six of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 2485. Lien of employees, and so forth, on transportation companies, and so forth, on franchises and property of company.—All conductors, brakemen, engine-drivers,

firemen, captains, stewards, pilots, clerks, depot or office agents, store-keepers, mechanics, or laborers, and all persons furnishing railroad iron, engines, cars, fuel, and all other supplies necessary to the operation of any railway, canal, or other transportation company, and all clerks, mechanics, and laborers who furnish their services or labor to any mining or manufacturing company, whether such railway, canal, or other transportation, or mining or manufacturing company be chartered under or by the laws of this state or be chartered elsewhere and be doing business within the limits of this state, shall have a prior lien on the franchises, gross earnings, and on all the real and personal property of said company, which is used in operating the same, to the extent of the moneys due them by said company, for such wages or supplies; and no mortgage, deed of trust, sale, hypothecation, or conveyance, executed since the twenty-first day of March, eighteen hundred and seventy-seven, shall defeat or take precedence over said lien; and all persons furnishing supplies to a mining or manufacturing company, necessary to the operation of the same, shall have a prior lien upon the *personal property of such company other than that forming part of its plant* to the extent of the money due them for such supplies, and also a lien upon *all* the estate, real and personal, of such company, which said last lien, however, upon *all* such real and personal estate, shall be subject and inferior to any lien by deed of trust, mortgage, hypothecation, sale, or conveyance, made or executed and duly admitted to record, prior to the date at which said supplies are furnished: provided, however, that the lien secured by this provision to parties furnishing supplies, shall be subsequent to that due to clerks, mechanics and laborers for services furnished as aforesaid: and provided, that if any person entitled to a lien as well under section twenty-four hundred and seventy-five as under this section, shall perfect his lien given by either section, he shall not be entitled to the benefit of the other: and provided, also, that no right to or remedy upon a lien which has already accrued to any person shall be extended, abridged, or otherwise affected hereby.

Who to have
lien.

Prior lien.

A lien upon all
the estate.

Subsequent
lien.

§ 2486. How perfected; how enforced.—No person shall be entitled to the lien given by the preceding section unless he shall, within ninety days after such supplies are furnished or service rendered, file in the clerk's office of the court of the county or corporation in which is located the chief office in this state of the company against which the claim is, or in the clerk's office of the chancery court of the city of Richmond, when such office is in said city, a memorandum of the amount and consideration of his claim, verified by affidavit, which memorandum the said clerk shall forthwith record in the deed book and index

How lien per-
fected.

Clerk shall
record memo-
randum.

the same in the name of the said claimant, and also in the name of the company against which the claim is. Any such lien may be enforced in a court of equity.

2. This act shall be in force from its passage.

CHAP. 225.—An ACT to provide a charter for the city of Buena Vista.

Approved February 15, 1892.

CHAPTER I.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits prescribed by an act to provide a charter for the town of Buena Vista, in the county of Rockbridge, approved January twenty-fourth, eighteen hundred and ninety, by the general assembly of this state, be deemed and taken as and for the city of Buena Vista, and the inhabitants of Buena Vista, for all purposes for which cities and towns are incorporated in this commonwealth, shall continue to be one body politic in fact and in name under the style and denomination of the city of Buena Vista, and as such shall have, exercise, and enjoy all rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent upon and pertaining to the said city as a municipal corporation. And the said city of Buena Vista, in its corporate capacity, shall be considered as the legal successor of the town of Buena Vista, and as such shall be held liable for all of the bonds and floating debt created by the said town of Buena Vista, and entitled to all of its rights, privileges, and properties.

2. The administration and government of said city shall be vested in one principal officer, to be styled the mayor; one board, to be called the common council of the city of Buena Vista, and in such other officers and boards as are hereafter provided for or may be appointed by the common council.

3. The municipal officers of the said city shall consist of a mayor, a treasurer, twelve councilmen, a clerk of the court of hustings, an attorney for the commonwealth, a sergeant, a commissioner of revenue, a justice of the peace, and a constable for the city.

4. The city shall be divided into two wards as follows—to wit:

The first ward shall consist of all that portion of the city south of the following line: the middle line of Twenty-fourth street and its projections.

The second ward of the city shall consist of all that portion of the city north of the above-described line—to wit: the middle of Twenty-fourth street and its projections.

5. The election of the municipal officers mentioned in the third section of this act shall be held on the fourth Thursday in May, eighteen hundred and ninety-two, and, except the treasurer and clerk of the court of hustings, every second year thereafter. The clerk of the court of hustings shall be elected on the fourth Thursday in May, eighteen hundred and ninety-two, and every six years thereafter. The treasurer shall be elected on the fourth Thursday in May, eighteen hundred and ninety-three, and every third year thereafter. All of said elections shall be conducted under the general election laws of the state. When two or more persons are to be elected to the same office the several persons of the number required having the highest number of votes shall be declared elected.

At the general election held in May, eighteen hundred and ninety-two, there shall be elected by the qualified voters of each ward of the said city four councilmen for said city—two from each ward—who shall hold their offices for the term of one year.

At the general election held in May, eighteen hundred and ninety-three, there shall be elected by the qualified voters of each ward of the said city twelve councilmen for said city—six from each ward—and three councilmen from each ward shall hold their offices for the term of one year, and three from each ward for the term of two years.

At the general election held in May, eighteen hundred and ninety-four, and every year thereafter, there shall be elected by the qualified voters of each ward of the said city six councilmen—three from each ward—who shall hold their offices for the term of two years.

Whenever a new ward is established for said city there shall be elected by the qualified voters of said ward six councilmen—three of whom shall hold their offices for the term of one year, and three for the term of two years.

The mayor and all municipal officers, before entering upon the duties of their respective offices, shall be sworn according to the laws of the state by any one authorized to administer oaths under the laws of the state. If any person elected or appointed to any office in said city shall neglect to take such oath for thirty days after receiving notice of his election or appointment, or shall for the like period of time neglect to give such securities required of him by the common council, he shall be considered as having declined such office, and the same shall be declared vacant, and the same shall be filled according to the provisions of this act.

CHAPTER II.

6. Mayor.—The mayor shall be elected by the qualified voters of the city of Buena Vista for the term of two years, beginning on the first day of July next after his election. His salary shall be fixed by the city council, and he shall receive no other compensation or emoluments whatever, and his salary shall not be diminished during his term of office.

7. He shall, by virtue of his office, possess all jurisdiction and exercise all power and authority in criminal cases of a justice of the peace of said city, in addition to the power herein given by virtue of this act, but he shall receive no fees for services as such justice of the peace.

8. It shall be his duty to communicate to the common council, annually, at the beginning of each fiscal year, or oftener, if he shall be required by the said council, a general statement of the condition of the city in relation to its government, finances, and improvements, with such recommendations as he may deem proper.

9. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all the books and documents in their offices, and may examine said officers on oath. He shall have power and authority to suspend or remove any such officer for misconduct in office, or neglect of duty, but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity be afforded him to be heard in his defence. On the removal or suspension of such officer, the mayor shall report the same to the common council at their next regular meeting for their consideration; but in no case shall it be final unless ratified by three-fourths of the whole council.

10. In case of the absence or inability of the mayor, the president of the council shall possess the same power and discharge the municipal duties of the mayor during such absence or inability.

11. In case a vacancy shall occur in the office of mayor, the president of the council shall fill the vacancy for the unexpired term, and the vacancy thus caused in the common council shall be filled according to law.

CHAPTER III.

12. City council.—The common council of the city shall be composed of twelve members. Each ward shall be represented by an equal number of councilmen qualified to hold office. They shall be elected by the popular vote of each ward, as hereinbefore provided.

13. The common council shall elect, annually, one of its members to act as president, and if from any cause he shall be absent the council shall elect a president pro tempore, who shall have all the powers and exercise all the duties of the president in the latter's absence.

The president shall have the power to call a meeting of the council whenever he deems it necessary, and in case of his absence, inability, or refusal, the council may be convened by an order in writing of any three members directed to the clerk of the council.

14. The common council shall, by ordinance, fix the time of their stated meetings, and no business shall be transacted at a special meeting but that for which it shall be called.

15. The common council shall have authority to adopt such rules, and appoint such officers, committees, or clerks, as they may deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members; to punish its members for disorderly behavior, and, by a vote of four-fifths of the whole council, to expel a member for malfeasance of or misfeasance in office. They shall keep a minute-book, in which their clerk shall note the proceedings of the council, and shall record said proceedings at large on the record-book, and keep the same properly indexed. The meetings of the council shall be open to the public, except when the public welfare may require secrecy.

16. A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be passed or resolution adopted having for its object the appropriation of money except by the concurrence of at least three-fourths of the members.

No vote or question decided at a regular meeting shall be reconsidered at a special meeting unless there shall be at least three-fourths of the members present, and two-thirds of them concur.

17. The common council shall have, subject to the provisions of this act, the control of the fiscal and municipal affairs of the said city, and of all property, real and personal, belonging to said city, and make such ordinances, orders, by-laws, and resolutions as they may deem necessary to carry out the following powers, which are hereby vested in them:

First. To establish a market or markets in and for said city, and appoint proper officers therefor; prescribe the times and places for holding the same; provide suitable buildings and grounds therefor, and to enforce such regulations as may be necessary to prevent huckstering, forestalling, and regrating.

Second. To erect and provide in or near said city suitable work-houses, houses of correction and reformation, and

houses for the reception and maintenance of the poor and destitute, and they shall possess and exercise authority over all persons within the limits of the city receiving or entitled to the benefit of the poor laws; appoint the necessary officers and other persons proper to be connected with the aforesaid institutions, and regulate pauperism within the limits of the city. And the council, through agency they shall appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Third. To erect and keep in order all public buildings necessary or proper for said city. To erect within the city a city prison, and said prison shall contain such apartments as shall be necessary for the safe-keeping and employment of all persons confined therein.

Fourth. To establish or enlarge water-works, gas-works, or electric-light works within or without the said city; to contract and agree with the owners of any land for the use and purchase thereof, or to have the same condemned according to law, for the location, extension, or enlargement of their said works, the pipes connected therewith, or any of the fixtures or appurtenances thereof; and shall have the power to protect from injury, by ordinance prescribing adequate penalties, the said works, pipes, wires, fixtures, and land, or anything connected therewith, whether within or without the limits of said city.

Fifth. To close or extend, widen or narrow, lay out, graduate, curb, and pave, and otherwise improve streets, sidewalks, and public alleys in said city, and have them kept in good order and properly lighted; and over any street or alley in said city which may have been or may be ceded or conveyed to the city by proper deed they shall have like power and authority as over other streets and alleys. They may build bridges in and culverts under said streets and alleys, and may prevent or remove any structure, obstruction, or encroachment over, under, or in any such streets, alleys, or sidewalks in said city, and may permit shade trees to be planted along said streets; but no person, company, or corporation shall occupy with its works or any appurtenances thereof the streets, sidewalks, or alleys of the city without the consent of the council duly entered of record. In the meantime no order shall be made and no injunction shall be awarded by any court or judge to stay the proceedings of the city in the prosecution of its works unless it may be manifest that it, its officers, agents, or servants are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

Sixth. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the city in any manner whatever,

Seventh. To determine and designate the route and grade of any railroad to be laid in said city, and to restrain and regulate the speed of locomotives and cars upon the railroads within the city.

Eighth. To make provision for and regulate the weighing of hay, fodder, oats, shucks, or other long forage. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

Ninth. To require every merchant, retailer, trader, and dealer of merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection, and may impose penalties for any violation of any such ordinance.

Tenth. To secure the inhabitants from contagious or infectious or any other dangerous diseases; to establish, erect, and regulate hospitals; to provide for and enforce the removal of patients to said hospitals; to appoint and organize a board of health for said city, with authority necessary for the prompt and efficient performance of its duties.

Eleventh. To require and compel the abatement and removal of all nuisances within said city at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to prevent and regulate slaughter-houses, soap and candle factories within said city, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment therein, and to regulate the transportation of coal and other articles through the streets of said city.

Twelfth. If any ground in the said city shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof, shall permit any offensive or unwholesome substance to remain or accumulate therein, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them (except in case where the nuisance is caused by the action of the city authorities or their agents, in which case the city shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected: provided that reasonable notice shall first be given to the said owners or their agents. In case of non-resident owners, who have no agents in said city, such notice may be given by publication, for not less than four weeks, in any newspaper published in said city.

Thirteenth. To direct the location of all buildings for storing gunpowder and all other combustible or explosive substances, and to regulate the sale and use of gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid, or other combustible or inflammable material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of fires, the lights and candles in barns, stables, and other buildings, and to restrain the making of bon-fires in streets and yards.

Fourteenth. To prevent hogs, dogs, and other animals from running at large in said city, and may subject the same to such confiscations, regulations, and taxes as they may deem proper.

Fifteenth. To prevent the riding or driving of horses or other animals at an improper speed, throwing stones, or the engaging in any employment or sport on the streets, sidewalks, or public alleys, dangerous or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses or other animals in said city.

Sixteenth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gambling-houses; to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said city, and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

Seventeenth. To prevent, forbid, and punish the selling or giving liquors and intoxicating drinks to be drunk in any public place not fully licensed, and the selling or giving to be drunk any intoxicating liquors to any child or minor without the consent in writing of his or her parents or guardian; and for any violation of any such ordinance may impose fines in addition to those prescribed by the laws of the state.

Eighteenth. To prevent the coming into the city of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the city.

Nineteenth. To fill vacancies in its body, and the person so appointed shall hold during the unexpired time of the term of office of the person in whose place he is appointed.

Twentieth. To authorize and regulate the erection of party walls and fences, and to prescribe how the costs thereof shall be borne by co-terminous owners.

Twenty-first. To regulate and control auction sales, livery stables, theatrical performances, or other public shows or exhibitions; the hiring or use for pay of carriages, carts, wagons, and drays; hawkers, peddlers, per-

sons selling goods by sample; persons keeping billiard tables, ten-pin alleys, and pistol galleries for profit; and as to such trades, occupations, and employments, or any other of like nature, may grant or refuse a license as it may deem proper.

Twenty-second. To compel persons sentenced to confinement in the jail of the city for petty larceny or other misdemeanors or violations of the city ordinances to work on the public streets of the city, or to be sent to the poor-house, there to perform such labor as the council, or overseers of the poor appointed by them, may direct; and on the requisition of the mayor it shall be the duty of the sergeant of the city to deliver such persons to duly authorized agent of the city, and for such purpose from day to day as he may be required.

Twenty-third. To appoint a city engineer, a collector of city taxes, a city attorney, and such other officers as it may deem proper and necessary, and may define their term of office, powers, duties, and compensation, and may appoint any one person to fill two offices. Any office which the council has the power to create it may abolish at any time, whether the term of office of the incumbent has expired or not.

Twenty-fourth. To change the boundaries of the wards and increase the number thereof.

Twenty-fifth. To give names to, or to alter the names of, the streets.

Twenty-sixth. To designate from time to time the parts of the city within which no building of wood shall be erected, and to regulate the construction of buildings in the city so as to protect it against danger of fire.

Twenty-seventh. To make such regulations and orders as will protect its citizens against danger from unsafe walls or houses, and to that end shall have power to cause to be condemned and taken down any such wall or building; but no such condemnation shall be made or such house or wall taken down until the owner thereof, or in case said owner be an infant or insane person, his guardian or committee, be duly summoned before the board of officers of the city, who shall be charged by the ordinances with such duty, and allowed reasonable opportunity to show cause against such action.

Twenty-eighth. To prescribe any penalty for the violation of any city ordinance not exceeding five hundred dollars, or three months' imprisonment in the city jail; and to further provide that the parent or guardian of any minor or master of any apprentice shall be subject to a fine for any offence committed by such minor or apprentice. Any penalty which may be imposed for a violation of an ordinance which shall be above one hundred dollars in

amount shall be prosecuted in the corporation court. Penalties under that sum may be imposed by the mayor.

Twenty-ninth. To pass all by-laws, rules, and ordinances not repugnant to the constitution and laws of this state or of the United States which they may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction which is or shall be granted to or vested in said city, or in the common council, court or officers thereof, or which may be necessarily incident to a municipal corporation.

18. No license shall be granted by any court to any person to sell or manufacture ardent spirits or malt liquors without the corporate limits of said city and within one mile thereof.

19. Any member of said council being voluntarily absent from its meetings consecutively for three months, the seat shall be deemed vacant, and the unexpired term shall be filled according to law.

20. The common council is empowered to hold such lands as may have been acquired by the town of Buena Vista to be used as a place for the burial of the dead, and to acquire by purchase or otherwise such additional lands as it may deem necessary for that purpose. The said council shall also have power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the state, for the use, protection, preservation, and ornamentation of the cemetery; to set aside in their discretion, by metes and bounds, a portion thereof for the interment of strangers and indigent poor; to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease, and to prescribe what class and condition of persons shall be admitted to interment in the cemetery. The money from such sale or lease of burial lots shall be invested, used, and employed for the use, protection, preservation, and ornamentation of said cemetery. The said cemetery, when established, shall be exempt from all state, county, and municipal taxation.

21. The council, at its first meeting in the month of July next succeeding the passage of this act, shall appoint three persons, not members of its body, who shall constitute a board of police commissioners, whose term of office shall be for two years from the first of said month of July, or until their successors are duly appointed and qualified. If any vacancy shall occur in said board at any other time than at the expiration of the term of a member, the unex-

pired term shall be filled by the council. Should a new ward be added to the number now existing by virtue of this act, the said board shall be composed of a member from each ward. As soon as practicable, after said board is appointed, the members shall qualify and organize by the election of one of its members as president and another as secretary. Upon its organization, the board shall select from among the electors of the city a chief of police, whose pay, duties, and bond shall be such as may be ordained by the council. His warrant of appointment, signed by at least a majority of the board, shall be filed with the clerk of the council. The board shall further elect such number of policemen as may be authorized by the council. After the police force is so constituted any vacancy which may occur therein shall be filled by the board in like manner. Such chief and policemen shall constitute the police force of the city, and shall hold their offices during good behavior, or until they may be severally removed by the board. The board shall perform any other duties connected with the police department which the council may delegate to it, but for any services rendered by it shall receive no compensation. The police force, when duly constituted, shall be under the control of the mayor for the purpose of enforcing peace and order and executing the laws of the state and the ordinances of the city. It shall also perform such other duties as the council may prescribe. For the purpose of enabling it to execute its duties, each member thereof is hereby made a conservator of the peace, and endowed with all the powers of a constable in criminal cases, and all other powers which, under the laws of the state, may be necessary to enable them to properly discharge the duties of their respective offices. The pay, uniform, rules, and regulations for said police shall be prescribed by the council.

22. The city shall not take, damage, or use any private property for streets or other public purposes, without making to the owner thereof just compensation for the same; but in cases where the council cannot by agreement obtain title to the ground for such purposes, it shall be lawful for said council to apply to and obtain from the circuit or county court of Rockbridge county, when the land is situated within said county, or from the judge of the hustings court of said city, when the land is within the corporate limits of the same, for authority to condemn the said land, which shall be applied for and proceeded with according to law.

23. In every case where a street in said city has been encroached upon by any fence, building, or other structure, the council may require the owner (if known, or if unknown, the occupant of the premises encroaching) to remove the same; and if such removal be not made within

the time prescribed by the council, they may impose a penalty of five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner all reasonable charges therefor, with costs, by the same process that they are hereinafter empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the person claiming thereunder as against the said city.

24. Whenever any street, alley, or lane in the said city shall have been opened to and used as such by the public for the period of five years, the same shall thereby become a street, alley, or lane for public purposes, and the council shall have the same authority and jurisdiction over and right and interest therein as they have by law over the streets, alleys, and lanes laid out by them, and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said city, by a plan or plat of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designed for private use. But upon a petition of a majority of persons interested therein the council shall have power to open the same for the use of the public.

25. Whenever any new street shall be laid out, a street graded or paved, a culvert built, or any other improvement whatever made, the council shall determine what portion of the expense thereof, if any, shall be paid out of the city treasury, and what portion by the owners of the real estate benefited thereby; but no such public improvement shall be made the expense whereof is to be defrayed in whole or in part by a local assessment, until first requested by a petition signed by at least a majority of the owners of the property to be assessed for such improvements, or unless the entire council shall concur in voting any improvements to be expedient, or in determining to make the same after allegations have been heard, in which case no petition or request shall be necessary. The council shall have the same power to collect such local assessments for the improvement as are hereinafter vested in them for the collection of taxes.

26. The council shall grant and pay to all city officers, clerks, and assistants, whether elected or appointed to office in pursuance of the provisions of this act, such salaries or compensation as the said council may from time to time deem just and proper, or shall be fixed by this act.

27. If any person having been an officer of said city shall not, within ten days after he shall have vacated or been removed from said office, and upon notification or request of the city clerk, or within such time thereafter as

the council shall allow, deliver over to his successor in office all property, books, and papers belonging to the city or appertaining to such office in his possession, or under his control, he shall forfeit and pay to the city the sum of three hundred dollars, to be sued and recovered with cost; and all books, records, and documents used in any such office by virtue of any provision of this act, or any ordinance or order of the city council, or any superior officer of said city, shall be deemed the property of said city and appertaining to said office, and the chief officer thereof shall be responsible therefor.

CHAPTER IV.

28. City Officers.—There shall be one city treasurer; one clerk of the court of hustings; one attorney for the commonwealth; one sergeant; one commissioner of the revenue; two justices of the peace, and one constable for the city.

29. The common council may appoint, in addition to those herein provided for, such officers and clerks as they may deem proper and necessary, and define their powers and prescribe their duties and fix their compensation, and may take from any officer so appointed a bond, with such securities as the said council approves, conditioned for the faithful discharge of such duties, and payable to the city of Buena Vista by its corporate name.

30. In case of any vacancies occurring in any municipal office, where it is not otherwise provided, the council shall elect a qualified person to fill such office during the unexpired term.

31. There shall be elected by the qualified voters of the city of Buena Vista, on the fourth Thursday in May, eighteen hundred and ninety-three (1893), and in every third year thereafter, one city treasurer, who shall hold his office for the term of three years, and until his successor be duly elected and qualified, unless he be sooner removed from office. He shall qualify before the council, and shall give bond, with surety to be approved by the council, in a penalty to be determined by it, but not less than ten thousand dollars.

32. The said treasurer shall receive all money belonging to the city. He shall keep his books and accounts in such manner as the city council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and any member of the council or any committee thereof. He shall collect and receive all taxes and other revenues from the persons owing the same to the city, and shall pay the same out as the laws of the city may prescribe or as may hereafter be provided.

33. No money shall be paid out by the treasurer except upon a warrant of the clerk of the council, countersigned by the president of the council; and the said treasurer shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto.

34. All moneys to be paid into the treasury of the city, except taxes and such other assessments as the city council may so ordain, shall be paid by the person liable to pay the same, or his agent, to the treasurer in the following manner: A warrant shall first be obtained from the clerk of the council directing the treasurer to receive the sum to be paid, specifying on what account the payment is to be made. Upon the payment of the money to the treasurer he shall receipt for the same, which receipt shall be carried to the clerk, and his receipt therefor shall be the acquittance of the party making the payment.

35. The treasurer shall also report to the common council at the end of each fiscal year, and oftener if required, a full and detailed account of all receipts and expenditures during the preceding year, and a full account of the state of the treasury. He shall also keep a register of all warrants, their dates, amount, number, and fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined at the time of making such report to the city council by a committee thereof, who shall examine and compare the same with the books of the clerk, and report discrepancies, if any, to the council.

36. The treasurer shall collect all taxes and assessments which may be levied by said city, and perform such other duties as may be herein ordained or prescribed by the city council.

37. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment for which the assessment was made, and said money shall be used for no other purpose whatever.

38. The treasurer may be required to keep all moneys in his hands belonging to the city in such place or places of deposit as the city council may, by ordinance, provide, order, establish, or direct. Such moneys shall be kept separate and distinct from his own moneys; and he is hereby expressly prohibited from using, either directly or indirectly, the city money or warrants in his custody, or keeping for his own benefit or use, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office. In case of his removal the city council shall fill his office until the next election which may be held in the city, when the qualified voters of the city shall, as in other cases, fill such vacancy by the election of a successor, who

shall fill his office for the remainder, if any, of the unexpired term of the officer removed.

The treasurer shall receive such compensation as is provided by law in case of the county treasurer: provided, he shall receive not less compensation than six hundred dollars a year nor greater compensation than three thousand dollars per annum for his services in collecting both the state and city taxes.

No person shall be allowed to qualify a second time as treasurer unless and until he shall have satisfactorily settled his accounts as treasurer for the preceding term; and if such settlement, by reason of the said treasurer's wilful neglect, be not made on or before the regular time for his entering upon the duties of the office of treasurer for another term, the office shall be deemed vacant, and the same shall be filled in the manner herein provided.

39. There shall be one city clerk appointed by the council, who shall hold his office for two years, and until his successor shall be appointed and qualified, unless sooner removed from office by the city council.

40. The said clerk shall attend the meetings of the city council, and keep a record of its proceedings. He shall have custody of the corporate seal of the city, and shall be the proper officer to use the same. He shall keep all papers that by the provisions of this act, or the direction of the city council, are required to be filed or kept by him. It shall also be his duty to make and present to the mayor, immediately after the close of each session of the city council, a transcript of every ordinance, resolution, or order concerning any public improvement, or for the payment of any money, or every order, resolution, order and act of legislative character passed by the city council at such session. He shall in like manner transmit to the treasurer a transcript of all ordinances, resolutions, or orders appropriating money, or authorizing the payment of money, the issue of bonds or notes. He shall in like manner publish such reports and ordinances as the city council are required by this act to publish, and such other reports and ordinances as they may direct, and shall in general perform such other acts and duties as the city council may from time to time require of him.

41. There shall be elected by the qualified voters of the city, on the fourth Thursday in May, in the year eighteen hundred and ninety-two, and every sixth year thereafter, one clerk of the hustings court for the city of Buena Vista, who shall serve for the period of six years, and until his successor be elected and qualified. He shall receive the same compensation, fees, and emoluments for his services as are allowed by law to clerks, and such allowances as the city council may from time to time deem proper.

42. There shall be elected by the qualified voters of the city, on the fourth Thursday of May, eighteen hundred and ninety-two, and in every second year thereafter, one commonwealth's attorney, who shall represent the commonwealth in all cases in the hustings court of the city of Buena Vista. He shall hold his office for a term of two years, and until his successor be elected and qualified, unless sooner removed, and shall receive as compensation for his services the fees fixed by law and such salary as shall be voted him by the council of the city—not less than three hundred dollars per annum nor more than six hundred dollars per annum.

43. There shall be elected by the qualified voters of the city of Buena Vista, on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday of every fourth year of the same month thereafter, one commissioner of revenue, who shall hold his office for a period of four years, and until his successor be elected and qualified, unless sooner removed from office. He shall give bond with sureties in such amount as the council may determine, said bond to be approved by the council, entered on their records, and filed with the city clerk.

In case a vacancy should occur in the office of the commissioner of revenue, the city council shall elect a qualified person to fill said office until the next general election for the unexpired term.

44. The said commissioner of revenue shall perform the duties in relation to the assessment of the city property for taxation as may be ordered by the city council. He shall keep his office in some convenient place in said city, and shall keep therein such books, schedules, and records, and in such a manner as the mayor and city council may direct and prescribe, which books, records, and other papers shall be subject to the inspection and examination of the mayor and city council, the tax collector, or any committee duly appointed by the city council.

45. To aid the commissioner of revenue in his duties, the clerk of the hustings court for the city of Buena Vista, as required, shall deliver to him such lists as are required by law to be furnished to the commissioner of revenue by county clerks, so far as relates to lands within the said city. He shall receive for his services the fees allowed by law and such other compensation as the city council may from time to time direct. The said commissioner of revenue, in ascertaining the value of real property within said city, shall fix the same at the actual cash value of such property at the time of the assessment, irrespective of the value assessed for the purpose of state taxation, until the next general assessment: provided, however, that this section shall not apply to any property which is as-

sessable by the board of public works, as to which the assessment made by said board shall control.

46. There shall be elected by the qualified voters of the city of Buena Vista, on the fourth Thursday in May, eighteen hundred and ninety-three, and in every second year thereafter, one city sergeant, who shall have and exercise within the said city all the powers and duties of sheriffs in their respective counties, and who shall attend the terms of the hustings court for the said city of Buena Vista and act as the officer thereof, and shall perform such other duties as may be prescribed and ordained by the city council, and shall receive such compensation therefor as the city council may determine. He shall be the collector of the delinquent city taxes placed in his hands by the treasurer, and for that purpose shall have all the authority and power and be subject to the same liabilities and penalties as are prescribed in the collection of delinquent state taxes and county levies, and may be proceeded against in the same manner, so far as applicable and not inconsistent with this act. He shall pay over to the treasurer weekly, or oftener if he thinks proper, all moneys which come into his hands for taxes or otherwise belonging to the city. He shall report to the council in writing at each stated meeting the amount of all moneys collected by him for the city and paid over by him as herein directed. Before entering upon his duties as the collector of city delinquent taxes he shall enter into bond, with sureties to be approved by the council, in such sum as the council may direct, said bond to be payable to the city of Buena Vista, and conditioned for the faithful discharge of his duties as such officer, and shall be entered upon the records of the council and the original filed in the office of the clerk of the council.

47. The sergeant may, with the approval and consent of the hustings court of the city, appoint a deputy or deputies, who may be removed from office by the said sergeant, by the mayor, or by the council. During the continuance in office of the said sergeant his said deputies may discharge any of the duties of the office of sergeant, but the sergeant and his sureties shall be liable therefor.

48. There shall be elected by the qualified voters of the city of Buena Vista, on the fourth Thursday of May, eighteen hundred and ninety-two, and in every second year thereafter of the same month, one constable for said city, who shall hold his office for the term of two years, and until his successor be elected, appointed, and qualified, unless sooner removed from office. Said constable shall keep his office in some convenient place in the city as shall be designated by the city council, and shall receive such compensation for his services as is allowed by law. He shall, in all civil cases, have the same power and duties

and be subject to the same penalties as are prescribed by law for other constables, and perform such other duties as the city council may direct. The said constable shall, with the consent of the city council, appoint such deputies as he may deem needful. He shall be required to give bond, with such sureties and in such penalty, for the faithful performance of his duties as may be required by the council.

49. There shall be elected by the qualified voters of said city, on the fourth Thursday of May, eighteen hundred and ninety-three, and on the same day and month of every second year thereafter, two justices of the peace, who shall hold office for two years, or until their successors be elected and qualified, unless sooner removed from office. The said justices shall be conservators of the peace within the limits of the corporation of Buena Vista, and shall have the same power and duties within said limits, and receive for their services such fees, as are provided by law in respect to justices of the peace in counties of this state in their respective counties.

CHAPTER V.

50. The city council may, in the name of, and for the use of, the city, contract loans or cause to be issued certificates of debt or bonds; provided no such certificate of debt or bonds shall be issued except by a two-thirds vote of the council, endorsed by a majority of the freehold voters of the city of Buena Vista voting on the question; but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four (34) years: provided, further, that the said council shall not contract such loans or issue such certificates of debt or bonds for the purpose of subscription to any company or internal improvement or other purpose without being first authorized so to do by a three-fourths vote of the freeholders of the city voting on the question; but such loans, certificates, or bonds, together with the aggregate debt of the city, shall in no case exceed at any one time the sum of ten per centum of the assessed value of the property, real and personal, within the city limits: provided, further, that the said council shall not endorse the bonds of any company whatsoever without the same authority. All contracts for the erection of public improvements within the jurisdiction of the city council shall be let to the lowest bidder, and notice shall be given at least thirty days before the work is finally let by advertisement in one or more newspapers published in the city, and the party to whom said contract shall be let shall give such bond as the council may require; but in no event shall any contract be let to a member of the city council, nor shall any member have any interest in such contract. But this section shall not

be construed to prohibit the council from issuing negotiable notes, payable within one year from date: provided the aggregate amount of said notes outstanding does not exceed ten thousand dollars at any one time.

51. Whenever, hereafter, there shall be contracted by the council any debt not payable within one year thereafter, there shall be set apart annually for thirty-four years, or until the debt is paid, a sum not less than one per centum of the amount of any debt, in addition to the annual interest agreed to be paid thereon, which sum shall be invested and applied towards the payment of such debt.

52. For the execution of its powers and duties, the city council may raise taxes annually by assessments in said city on all subjects of taxation taxable by the state such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient, in accordance with the laws of this state and of the United States: provided that no tax upon real and personal property in said town shall exceed one dollar and fifty cents upon the one hundred dollars' assessed value thereof: and provided, also, that no corporation tax shall be levied upon such manufacturing establishments within the limits of said city especially exempted from taxation for the period of five years by the council.

53. The city council may levy a tax on water, gas, electric lights; on license to insurance companies or their agents; to auctioneers; to public theatricals or other performance of shows; to keepers of billiard tables, ten-pin alleys, and games of like nature; to hawkers and peddlers; to agents for the rental of real estate, to commission merchants, and any other business or profession, whether a license be required therefor by the state or not. And the tax on all such licenses may, in the discretion of the council, be in excess of that imposed by the state.

54. In payment of taxes made by the tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent.

55. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in the city for hire, and may require the owners or keepers of wagons, drays, or carts using them in the city to take out a license therefor, and may assess and require taxes to be paid thereon, and subject the same to such regulations and rules as they may deem proper, and may prescribe their fees and compensation.

56. All goods and chattels, wheresoever found, may be distrained and sold for taxes due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent them from being distrained and sold for taxes assessed against the grantor in such deed of trust or mortgage.

57. There shall be a lien on real estate for city taxes as assessed thereon from the commencement of the year for which they were so assessed. The council may require real estate in the city delinquent for non-payment of taxes to be sold for said taxes, with interest thereon at the rate of ten per centum per annum, and such per centum as the council shall charge as a penalty for the non-payment of said taxes when the same shall have been due and payable. Such real estate shall be sold, and may be redeemed as provided by law with reference to state taxes. The lien of the city upon property for taxes assessed thereon may likewise be enforced in a court of equity in the manner made and prescribed by said law or the enforcement of lien in equity.

58. The city council may organize and maintain a fire department, and appoint an engineer, assistants, and other officers, with any and all the powers which have been or may be invested by law in such officers, and they may make rules and regulations for the government of the officers and men of such department; may prescribe their respective duties in the case of fire, or alarms of fire; may fix their pay, and may impose reasonable fines for the breach of such regulations; and may make such ordinances as they may deem proper to prevent or to extinguish fires, to prevent property from being stolen, and to require citizens to render assistance to the fire department in case of need.

59. For the purpose of guarding against the calamities of fire, the city council may from time to time designate such portions or parts of the city as they may deem proper within which buildings of wood may be erected. They may prohibit the erection of wooden buildings in any portion of the city without their permission, and on the petition of the owner or owners of at least one-half of the ground included in any square of the city prohibit the erection on the said square of any buildings, or addition to any building, unless the outer wall thereof be made of brick and mortar, or stone and mortar, and may provide for the removal of any such building or addition which shall be erected contrary to such prohibition, at the expense of the builder or owner thereof; and if any such building shall have been commenced before said petition shall have been acted upon by the council, or if any building in the process of erection appears clearly to be unsafe, the council may cause such building to be taken down after reasonable notice to the owner.

60. The said council shall by ordinance provide for any irregular election not herein provided for, and appoint the necessary officers to conduct the same. And in so far as the same does not conflict with the provisions hereinbefore stated, the council shall from time to time establish voting precincts within the said city, at the most conve-

nient and accessible places as the needs of the qualified voters may demand.

61. The city of Buena Vista and its inhabitants shall be exempt from all assessments for levies in the way of taxation imposed by the authorities of Rockbridge county, for any purpose whatever, except upon property in said county owned by the inhabitants of said city; and the assessment for the years eighteen hundred and ninety-two and eighteen hundred and ninety-three, commencing on the first day of February, eighteen hundred and ninety-two, shall be made by said city, and not by the county of Rockbridge; nor shall any of the said inhabitants be liable to serve upon the juries of said county.

62. Unless otherwise specially provided, the persons holding any of the offices provided for in this charter which have heretofore existed under the charter in force immediately before its adoption, shall continue to hold the same under the present election or appointment until the term of said office, as herein provided, shall expire, stating the commencement of such term from the term fixed in said former charter.

All laws and ordinances in force immediately after the passage of this act, so far as consistent herewith, and all liabilities, actions, claims, contracts, and prosecutions arising thereunder, shall remain and continue as if this act had not been passed.

63. All ordinances now in force in said city not inconsistent with this act, the laws of the United States and of this state, shall be, and remain, in full force until altered, amended, or repealed by the said council.

64. All acts or parts of acts in conflict with this act, are hereby repealed.

65. The sheriff or any other officer of the county of Rockbridge may be a resident of said city, and his office shall not be vacated thereby.

66. The property, real and personal, within the limits of the city of Buena Vista, liable to taxation by the state, shall continue bound for a just proportion of taxation for the payment of the bonded debt of the county of Rockbridge incurred on account of the subscription of said county to the Valley railroad company, as the same is hereinafter ascertained and determined, and said property shall in like manner be liable for fourteen and sixty-eight hundredths per centum of the unpaid subscription of said county of one hundred and five thousand dollars to said company, if said county shall be required hereafter to pay the same; however, neither county nor city acknowledging said liability to be now legal or enforceable.

The outstanding bonded indebtedness of the county on account of said subscription, after deducting amount of sinking fund levied for in taxes of eighteen hun-

dred and ninety-one, is taken, for the purposes of this act, to be two hundred and thirty-six thousand dollars, as of July first, eighteen hundred and ninety-two; and after making an equitable allowance for the value to the county of the public county property retained by the county, amounting to twenty-five thousand dollars, the proportion of the said outstanding bonded indebtedness chargeable upon the city of Buena Vista is ascertained, relatively to existing taxable values, to be thirty thousand nine hundred and seventy-four dollars and eighty cents. And this sum is hereby charged upon said city and upon all the real and personal property now or hereafter in said city liable for taxation by the state of Virginia until the said indebtedness shall have been discharged.

For the purposes of discharging the share of the said outstanding bonded indebtedness for which the property in said city is liable, it shall be the duty of the council of said city to annually levy upon all the taxable property in said city such a tax as will provide, after deducting delinquents and all costs of collection, a sum which will raise at least the sum of one thousand and eighty-four dollars and twelve cents before the first day of June, and the sum of one thousand and eighty-four dollars and twelve cents on or before the first day of December, in each year, being seven per centum per annum, payable semi-annually, upon Buena Vista's ascertained share of said outstanding indebtedness, of which said semi-annual sums, payable as aforesaid, six-sevenths are for the semi-annual interest upon said sum of thirty thousand nine hundred and seventy-four dollars and eighty cents, and one-seventh thereof is to provide a sinking fund to extinguish the principal of said thirty thousand nine hundred and seventy-four dollars and eighty cents of indebtedness. The said one-seventh of said sum so provided for the sinking fund shall bear compound interest after the rate of six per centum per annum, and the same, with said interest, shall be credited by said Rockbridge county upon the said sum of thirty thousand nine hundred and seventy-four dollars and eighty cents due from the said city as its share of the said bonded indebtedness.

It shall be the duty of the treasurer of the city of Buena Vista semi-annually, on or before the first day of June and on or before the first day of December in each year, to pay to the treasurer of Rockbridge county the sum of one thousand and eighty-four dollars and twelve cents until such payments shall, after meeting the said semi-annual interest on said indebtedness of thirty thousand nine hundred and seventy-four dollars and eighty cents, fully satisfy and pay off the principal sum thereof.

In the event that the treasurer of Buena Vista shall in any year fail to pay or cause to be paid to the treasurer of

Rockbridge county the said semi-annual instalments of one thousand and eighty-four dollars and twelve cents, on or before the first days of June and December in each year, when the same shall become due and payable by the terms of this act, and such default shall continue for the period of thirty days, and the county authorities may at once proceed to compel the payment of the same by suit in chancery in the circuit court of Rockbridge county, and said court may cause the sum so in default to be assessed and levied upon the property in said city assessed for taxation, and cause the same to be collected in like manner as other taxes and levies in said city are then collectible. And the cost of such levy and collection shall, together with the costs of such suit, be ratably paid by the property owners of said city.

In the event that the said county shall be required to pay the said unpaid subscription of one hundred and five thousand dollars, the city of Buena Vista shall in like manner provide for and pay fourteen and sixty-eight hundredths per centum of the same, by paying to the county of Rockbridge seven per centum upon the sum of fifteen thousand four hundred and fourteen dollars, payable in semi-annual instalments, on the first days of June and December in each year until said instalments shall discharge said sum of fifteen thousand four hundred and fourteen dollars, and the interest thereon.

It shall be the duty of the board of supervisors of Rockbridge county to cause to be transferred and assigned to the city of Buena Vista six hundred and sixteen and fifty-six one-hundredths shares of the capital stock of the Valley railroad company now belonging to said county.

And the city of Buena Vista will, in like manner, be entitled to fourteen and sixty-eight hundredths per centum of any future issue of stock made on account of the subscription of said county to the Valley railroad company.

It shall be lawful for the city of Buena Vista to anticipate the payment of said indebtedness by increasing said semi-annual payments at the pleasure of the proper authorities of said city. It shall likewise be lawful for the said city of Buena Vista at any time to anticipate the payment of said indebtedness by payment in full upon the following terms: The sinking fund, as hereinbefore provided for, together with compound interest at the rate of six per centum per annum, shall be a credit to the said city of Buena Vista upon the said sum of thirty thousand nine hundred and seventy-four dollars and eighty cents, and upon payment of the balance found to be due by the said city of Buena Vista in cash, or in such other manner as may be agreed upon by the authorities of the county of Rockbridge and the said city of Buena Vista.

67. The treasurer of Rockbridge county and his deputies shall be entitled to all the rights and remedies for the collection of taxes heretofore assessed (prior to February first, eighteen hundred and ninety-two), upon persons and property in the town of Buena Vista, and which remain unpaid, to which they are entitled before the passage of this act, as though this act had not passed. And the sheriff of Rockbridge county and his deputies shall have the right to collect any execution in their hands before the passage of this act, by levy and sale thereunder of any property liable therefor, and situated in said town, or by the sale of property on which a levy has already been made, just as though this act had not been passed.

68. This act shall be in force from its passage.

CHAP. 226.—An ACT to create a road board for the county of Buckingham, and provide for working the roads of said county.

Approved February 16, 1892. •

1. Be it enacted by the general assembly of Virginia, That the judge of the county court of the county of Buckingham and the supervisors of the county of Buckingham constitute a road board for said county; that the said judge of said county be the president of said road board; that the clerk of the county court of the said county be the clerk of said road board; that it shall be the duty of the said road board to devise such ways and means for the putting in repair all the public roads of the county of Buckingham at the earliest practicable time, and for the keeping of the same in repair, as said road board is authorized under this act.

2. It shall be the duty of said clerk of said road board to keep in a well-bound book a true and accurate account of all motions, resolutions, enactments, contracts, and votes of said road board. Said record, as kept by said clerk of said road board, shall be kept in the county clerk's office of the county of Buckingham, and subject at any time to the inspection of any citizen of said county.

3. It shall be the duty of said president of said road board of said county, as soon as practicable after the passage of this act, to convene said road board at the county seat of said county by a written notice upon each member of said board, said notice to contain the authority for the same, and signed by the president of said board and countersigned by the clerk of the same. Said notice must be posted at least fifteen days previous to the convening of said board; and it is further provided, that a true copy

of said notice shall be mailed to each post-office in the county of Buckingham, with request to post the same at least fifteen days before the convening of said board, as above specified.

4. Said road board is hereby empowered to let to contract all or any part of the public roads in the county of Buckingham not exceeding a term of more than ten years upon such terms and on such conditions as said board may deem best and most expedient for the interest of said county. It is further provided in this act, that any party or all parties contracting for putting in repair and keeping in repair all or any part of said public roads of said county will be hereby required to execute bonds before the county court of said county, the penalty of which shall not be less than double the amount of any one contract entered into with said road board of said county as heretofore provided in this act; and it is further provided, that it shall be the duty of the attorney for the commonwealth of the county of Buckingham to endorse upon each and every contract before entered into by said road board with any party or parties, whomsoever it may be, his opinion that the same is valid and binding.

5. It is further provided that if said road board of said county, by or before the first day of July, eighteen hundred and ninety-two, fails to confirm, as above specified, a contract with any party or parties for the putting in repair and keeping in repair of all the public roads of said county, said road board shall, as soon as practicable, purchase such kind and such a number of implements as it deems best for putting in repair and keeping in repair the public roads of said county, and apportion between the magisterial districts of said county such implements, and pay for such implements as said board deems best for said county.

6. It is further provided that all citizens of the county of Buckingham that are subject to road service under the general road law of Virginia, unless relieved from such service by the county court of said county for legal and sufficient reasons, shall be required to work upon some public roads in said county sixteen hours in each twelve months: provided that no resident of said county shall be required to work upon any public road more than five miles from his residence. It is further provided by this act, that if any resident of said county, unless exempt from such road service as above specified, prefers not to perform actual service, he is privileged to furnish a substitute of like ability as himself, or pay one dollar and fifty cents in lieu of the sixteen hours' work, or to be credited ten cents per hour for each hour of actual service. If such service is not rendered by such parties, as provided under this act, or such substitute is not actually furnished

for such service, or such penalties are not paid to such officer or officers as will be hereinafter authorized to collect the same, it is provided that all real estate, personalty, goods or chattels that are subject to levy for county or state taxes, shall be liable to said penalties, as above specified in this act.

7. Said road board shall then proceed to elect one road commissioner from each magisterial district in said county. Said commissioner must be a resident of the district in which he is to serve. The commissioners so elected shall, at the next term of the county court after their election, qualify before the said county court as any county officer, and give bond, the penalty of which shall not be less than five hundred dollars, for the faithful performance of all duties as required under this act, and for the payment of all money collected by said commissioner under this act to the county treasurer, as hereinafter provided. The term of office of the commissioner first elected under this act shall expire July first, eighteen hundred and ninety-three. All other terms shall be for two years. It is further provided that said commissioner shall, at such times as said road board may direct, summon as many citizens at one time for road service as said road board has furnished said commissioner with implements for the use of same. It is further provided that said commissioner shall be empowered to employ such teams as said road board may deem necessary for the use of said commissioner in the performance of his duties as said commissioner. This must be continued until all residents liable to road service under this act have been summoned. Said commissioner must keep an account of all the parties summoned, the time of actual service of each party summoned, and of all parties summoned who failed to attend, and report to said county board at its next meeting. Said commissioner shall be liable at any time, for just cause, to be removed from office by said board.

8. The said county road board, after an examination of the reports of said district commissioner, shall direct the clerk of said board to prepare a ticket stating the amount due by each party summoned, whether it be in full or part, such ticket to be signed by the president and countersigned by the clerk of said road board, said tickets to be delivered to said commissioner, and said commissioner shall be allowed sixty days to collect said tickets, or report to said board at the next regular meeting of said board why such, or any part of such, collections were not made. Said commissioner shall, at the expiration of sixty days, pay over to the county treasurer any money that he has collected after deducting five per cent. for collecting same. The county treasurer of said county shall receipt to said commissioner for all money received of same,

and place all money collected from each magisterial district by said commissioner to the credit of the road fund of said district.

9. It is further provided, that said road board of said county, unless otherwise hereinafter provided in this act, shall have four regular meetings each year. The time of such meetings shall be decided by said road board. The president, or four members of said road board, are authorized hereby to call a special meeting of said road board at any time that there may be a necessity for said meeting. If all or any part of the public roads in said county should not be let to contract, said road board shall, after thirty days' notice, as provided in this act, on the second regular meeting of said road board of each year after the first year, receive and confirm at their discretion bids for same, as provided for in this act. It is specially provided that if said road board confirms at any time a contract with any party or parties, as provided in this act, for the putting in repair and keeping in repair all of the public roads of the county of Buckingham, there shall not be more than two regular meetings of said road board during any one year thereafter.

10. It is provided that each member and the clerk of said road board of said county shall be paid three dollars each day while in actual attendance upon the meetings of said road board of said county, out of the road funds of said county upon the presentation to the treasurer of the county of Buckingham of a warrant of said road board of said county, signed by the president and countersigned by the clerk of the said road board of said county: provided that no member or the clerk of said road board shall be paid more than twenty-one dollars for any one twelve months.

11. It is further provided, that said district commissioner hereinbefore provided for in this act shall receive two dollars per day for all time actually consumed in summoning all residents of said county subject to road service as provided for in this act, and for directing the services of same as provided for in this act: provided, that no road commissioner elected under this act shall receive more than forty dollars for any one twelve months. It is provided by this act that the road board of the said county shall, at the expiration of each twelve months of the time of service of any road commissioner that has been elected and served under the provisions of this act, by a majority vote, direct a warrant to be drawn on the treasurer of the county of Buckingham for the amount due said district road commissioner, as provided for in this act. Said warrant shall name the district of the commissioner in whose favor it is drawn, and shall be signed by the president of said road board and counter-

signed by the clerk of the same. The treasurer of the county of Buckingham shall, upon the proper presentation of said warrant as hereinbefore specified, pay to the party in whose favor said warrant is drawn out of such funds not otherwise appropriated, the amount of same.

12. It is further provided that said road board of said county are hereby empowered by a majority vote of same, to use road funds of said county, either collectively or distinctly, in each magisterial district of said county.

13. It is further provided that nothing in this act shall be construed to lessen the authority of either the judge of the county court of said county or the board of supervisors under the general road law of Virginia in regard to repairing or building bridges in said county of Buckingham.

14. It is further provided that the board of supervisors of the county of Buckingham are hereby empowered, at their discretion, to increase the county road levies of the county of Buckingham to an amount not exceeding the sum of twenty-five cents per one hundred dollars on all property within said county subject to road levies.

15. It is further provided that the board of supervisors of the county of Buckingham, at their discretion, be, and the same are hereby, empowered to borrow a sum of money not exceeding five thousand dollars, at a rate of interest not exceeding six per centum per annum, for a term not exceeding ten years, bonds to be issued for the same, as provided for by the existing laws of Virginia. Said board of supervisors shall annually levy an amount sufficient to pay the annual interest on said bonds as the same shall fall due, and to provide a sinking fund to meet the principal when it shall fall due. It is further provided that any money borrowed by the board of supervisors of the county of Buckingham under the provisions of this act, shall be used for building new roads, putting in repair and keeping in repair the existing public roads of the county of Buckingham, or the building of new bridges, repairing and keeping in repair the existing bridges of the county of Buckingham, and for no other purpose.

16. It is further provided that said board of supervisors of the said county be, and the same are hereby, empowered to loan all or any part of the said sum of money above named to any contractor or contractors of the public roads of the said county when contracted for as above provided, at a rate of interest not exceeding six per centum per annum, and for a term not more than five years, upon such terms and conditions as said board of supervisors may deem safe for the interest of said county.

17. It is further provided that no voting member of said road board of said county of Buckingham shall be a contractor for putting in repair, and keeping in repair, or be

the partner of any contractor of, all or a part of any of the public roads of said county. Said road board shall declare null and void any contract that has been entered into for putting in repair and keeping in repair all or any part of said public roads in said county in which any voting member of said board may be interested with the contractor.

18. It is further provided that it shall be the duty of the supervisors of the county of Buckingham to semi-annually, at such times as said road board of said county may decide upon, to personally pass over and inspect all of the public roads of their respective districts, and report in writing to said road board of said county at its subsequent meeting. If contractor, or contractors, or district commissioner, as the case may be, has complied with contract or contracts, or discharged the duties as required by said road board under the provisions of this act, said supervisors of said county are to receive such pay for said service as provided under this section as said road board of said county may decide upon.

19. It is further provided that said road board of the county of Buckingham may continue the existing road laws of the county of Buckingham until July first, eighteen hundred and ninety-two.

20. All acts and parts of acts in conflict with this act are hereby repealed.

21. This act shall be in force from its passage.

CHAP. 227.—An ACT authorizing the sale of the real estate of a married woman who is a minor.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That if any married woman who is a minor, thinks that her interests will be promoted by the sale of her estate, or any part thereof, or estate in which she is interested with others, infants or adults, whether the estate of the said married woman who is an infant, or of any of the persons interested be absolute or limited, and whether there be or be not limited thereon any other estate vested or contingent, and whether such married person or any of the persons interested reside in this state or not, may for the purpose of obtaining such sale, file a bill in equity by her next friend, in the circuit court of the county, or the circuit or corporation court of the city in which the estate proposed to be sold or some part thereof may be, stating plainly the estate which she desires to be sold and all the facts calculated to show the propriety of the sale. The bill

shall be verified by the oath of the next friend. The husband of such married woman, and all others interested and all those who would be her heirs if she were dead, shall be made defendants.

When sale of
estate may be
made.

2. If it be clearly shown that the interest of such married woman will be promoted, and the court or the judge thereof in vacation is of opinion that the rights of no person will be violated thereby, the said court, or the judge thereof in vacation, after reasonable notice to all parties interested, may order the sale of said estate, or any part thereof, taking ample security for the purchase money when the sale is on credit; and the said court or the judge thereof in vacation upon like notice may confirm the sale of said estate and appoint a commissioner to convey the same to the purchaser.

Married
woman's share
of estate.

3. The share of the said married woman of the proceeds of such sale shall be delivered to the receiver appointed under section two thousand two hundred and ninety-one of the code of Virginia, and shall be held and disposed of as provided by the said section.

4. All acts and parts of acts inconsistent with this act are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 228.—AN ACT to amend and re-enact sections 3 and 12 of an act entitled an act to incorporate the Metropolitan Western railroad of Virginia, approved February 4, 1890.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That sections three and twelve of an act entitled an act to incorporate the Metropolitan Western railroad of Virginia, approved February fourth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 3. The said Metropolitan Western railroad company is authorized and empowered to locate, construct, equip, and operate a railroad of standard gauge, with a single or double track, commencing at a point it may select on the Potomac river, in the county of Fairfax, and running thence by the most practical, eligible, and direct route deemed advisable by the board of directors of said company, through the counties of Fairfax and Prince William, to such point as they may elect on the Potomac river, in the county of Stafford; and it shall be lawful for said company to construct and operate lateral or branch roads of standard gauge, not exceeding twenty miles in length, which shall have all the rights and powers, and be subjected to the same restrictions as the main line.

§ 12. The said company is required to commence the construction of its railroad within two years, and to complete the construction of its main line within five years from the date of the passage of this act.

2. This act shall be in force from its passage.

CHAP. 229.—An ACT to amend and re-enact an act entitled an act to require the payment of fees on certain charters, approved February 10, 1890, as amended and re-enacted by an act entitled an act to amend and re-enact section 1 of an act of the general assembly, approved February 10, 1890, entitled an act to require the payment of fees on certain charters, approved February 28, 1890.

Approved February 16, 1892.

Be it enacted by the general assembly of Virginia, That an act entitled an act to require the payment of fees on certain charters, approved February tenth, eighteen hundred and ninety, as amended and re-enacted by an act entitled an act to amend and re-enact section one of an act of the general assembly, approved February tenth, eighteen hundred and ninety, entitled an act to require the payment of fees on certain charters, approved February twenty-eighth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

1. Be it enacted by the general assembly of Virginia, That every charter of incorporation hereafter granted under the provisions of section one thousand one hundred and forty-five, of the code of Virginia, and every act of incorporation hereafter passed by the general assembly, shall be and continue to be, wholly inoperative and ineffectual for any and all purposes whatever, until the payment of a fee to be ascertained and fixed as follows: For a company whose maximum capital stock is five thousand dollars or under, five dollars; for a company whose capital stock is over five thousand dollars and not to exceed ten thousand dollars, ten dollars; over ten thousand dollars and not to exceed twenty-five thousand dollars, fifteen dollars; over twenty-five thousand dollars and not to exceed fifty thousand dollars, twenty-five dollars; over fifty thousand dollars and not to exceed one hundred thousand dollars, forty dollars; over one hundred thousand dollars and not to exceed three hundred thousand dollars, sixty-five dollars; over three hundred thousand dollars and not to exceed five hundred thousand dollars, ninety dollars; over five hundred thousand dollars and not to exceed eight hundred thousand dollars, one hundred and fifteen dollars; over eight hundred thousand dollars and not to exceed one million dollars, one hundred

Section
amended.

Grading of fees.

Fees to be paid
by building
associations.

and fifty dollars; over one million dollars, two hundred dollars. For the purposes of this act, the amount to which the company is authorized by the terms of its charter to increase its capital stock, shall be considered its maximum capital stock, but the fee to be paid under this section shall, in no case, exceed the sum of two hundred dollars: provided, however, that building associations shall pay twenty-five dollars only for each certificate of incorporation filed or charter granted; and provided further, that no fee shall be required of companies organized for religious, benevolent, or literary purposes, or of such companies as are not organized for profit and have no capital stock, mutual insurance companies, and other mutual companies not organized for strictly benevolent or charitable purposes, shall pay a fee of twenty-five dollars; and it is hereby declared that the true intent and meaning of this section as originally enacted, notwithstanding the amendment thereto, approved February twenty-eighth, eighteen hundred and ninety, was and is to require the payment of fees on charters granted under section one thousand one hundred and forty-five of the code as herein prescribed.

Fees—how
collected.

Commission for
collection.

2. Where the charter of incorporation is granted under the provisions of said section eleven hundred and forty-five of the code of Virginia, the clerk of the court in which, or by the judge of which, such charter is granted, shall collect such fees before recording the charter, and shall forthwith pay it into the state treasury, less a commission of five per centum, which the said clerk may retain as his commission or compensation for collecting the same; and where the act of incorporation is passed by the general assembly, such fee shall be paid directly into the state treasury; and the fact of such payment shall in case the charter was granted under the provisions of section eleven hundred and forty-five of the code of Virginia, be certified by the auditor of public accounts to the secretary of the commonwealth, and the fact of payment in case the act of incorporation was passed by the general assembly, shall be certified by the auditor of public accounts to the keeper of the rolls: provided that no fees shall be required to be paid on any amended charter that has been passed during the present session of the general assembly, or may hereafter be passed, or any charter confirming or amending a charter granted by a court, or by a judge in vacation, unless the maximum amount of the capital stock shall be increased, in which case the same proportionate charge for such increase shall be made; but if no fee shall have been paid on the grant of the original charter, the fee to be charged when such amended charter is granted shall be the same as if the amended charter were an original charter.

No fees on
amended
charter.

3. Until the fact of payment is thus certified to the secretary of the commonwealth, he shall not record the articles of incorporation, and until the fact of payment is thus certified to the keeper of the rolls, he shall not furnish a copy of the act of incorporation.

4. Any company organized under the laws of a jurisdiction beyond this state and proposing hereafter to transact business in this state, shall pay into the treasury a fee to be fixed and ascertained in the manner provided by section one, and until the fact of payment is certified by the auditor to the secretary of the commonwealth, the charter or articles of incorporation of the company shall not be filed in the office of the secretary of the commonwealth, and the company shall have no right to transact business or conduct operations of any character in this state.

5. This act shall be in force from its passage.

CHAP. 230.—An ACT to authorize any railroad company or companies owning any line or lines of railway which the Chesapeake and Ohio railway company may have the lawful right to acquire, to lease, convey, or otherwise transfer the same to said Chesapeake and Ohio railway company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful at any time for any railroad company or companies owning any line or lines of railway which the Chesapeake and Ohio railway company then has the lawful right to acquire, by lease, purchase, or otherwise, to lease, convey, or otherwise transfer such line or lines of railway (including the franchises thereof and all appurtenances thereto, and also the stock and bonds thereof) to said Chesapeake and Ohio railway company, on such terms as may be agreed upon with the approval of a majority of the stockholders of the respective companies; and such lease, conveyance, or transfer shall operate to vest in the Chesapeake and Ohio railway company, in the manner expressed in such lease, conveyance, or other transfer, the line or lines of railway (including the franchises thereof and all appurtenances thereto, and also so much of the stock and bonds thereof as may be assigned) so leased, conveyed, or otherwise transferred.

2. This act shall take effect from its passage.

CHAP. 231.—An ACT to amend and re-enact section 2 of an act approved February 12, 1876, entitled an act to incorporate the Chamber of commerce of Richmond.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of an act approved February twelfth, eighteen hundred and seventy-six, entitled "an act to incorporate the Chamber of commerce of Richmond," be amended and re-enacted so as to read as follows, viz:

§ 2. That the real and personal property, revenues, and other concerns of said chamber of commerce, and the administration of its affairs shall be under the exclusive direction of the active resident members of said chamber and the officers and board of directors appointed or elected for said body. The officers of said chamber shall consist of a president, two vice-presidents, secretary and treasurer; and the board of directors shall consist of such number as may be deemed best by the chamber and prescribed by its constitution and by-laws, regularly adopted by it from time to time. The officers and directors shall hold their offices as prescribed by the constitution and by-laws, and shall fill all vacancies in said offices and board occurring during their term. They shall also have power to adopt such by-laws and regulations as they may deem proper for the government of said chamber and board, not inconsistent with the laws of the state and the United States, and to enforce the same by such pecuniary penalties as they may deem proper. They shall also have the power to appoint such agents and employees, and do any other act which they may deem necessary and proper to carry on the work and promote the interests of the chamber. All the acts and proceedings of said chamber and its board, done or had since the twenty-ninth day of November, eighteen hundred and eighty-nine (when said board was increased from fifteen to twenty-five) are hereby validated and confirmed by this act to the same extent as if said board had been legally constituted all the time from said twenty-ninth day of November, eighteen hundred and eighty-nine.

2. This act shall be in force from its passage.

CHAP. 232.—An ACT to incorporate the Buena Vista chamber of commerce.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That J. O. Shepherd, B. C. Moorman, J. W. Talley, John W. Blackburn, J. W. Collins, W. H. Bailie, Ambrose Timberlake, E. I. Jones, A. P. Moore, J. E. B. Stuart, S. M. Donald, John C. Shields, Bennett N. Bell, and Jacob Bumgardner and their associates, be, and they are hereby, created a body corporate and politic, with perpetual succession, by the name and style of the Buena Vista chamber of commerce, and by that name shall be competent to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto, to defend and be defended in all courts and places, and in all matters whatever, with full powers to acquire, hold, and possess, and the same to sell, convey, and dispose of such real estate and other property as may be necessary and convenient for the support and transaction of the business of the said chamber of commerce, or which may be conveyed to the same for the security or in payment of any debts which may become due and owing the said chamber of commerce, or in the satisfaction of any judgment at law or any decree in equity in its favor; and may make, have, and use a common seal, and the same break, alter, and renew at pleasure: provided that the property of the said chamber of commerce shall not exceed at any time fifty thousand dollars. The said corporation shall have power to devise ways and means of advancing and developing the commercial, manufacturing, and mechanical interests of the city of Buena Vista, of collecting and diffusing information in relation to the resources and business and trade of said town, and of making such proper rules and arrangements for the transaction of business among its members as it may determine to be expedient and proper, consistent with law.

2. That the real and personal estate, property, funds, revenues, and other concerns of said chamber of commerce, and the administration of its affairs, shall be under the exclusive direction of the active members of said chamber of commerce, who shall, annually, at such time of the day, and at such place in the city of Buena Vista as the officers for the time being shall appoint, choose a board of officers, consisting of a president, two vice-presidents, a secretary, and a treasurer, and eight directors, who shall hold their offices for one year and until their successors shall be chosen. The board of officers and directors of said chamber of commerce shall fill any vacancies in the board of officers and directors during the year, and

also shall have power to make by-laws and regulations for the government of said chamber of commerce, annex reasonable pecuniary fines as a penalty for the breach thereof, and do all such other acts as appertain to a chamber of commerce. The board of officers shall appoint such agents as they shall deem fit and expedient: provided no by-law, rule, or regulation shall in anywise be contrary to the constitution and laws of the commonwealth of Virginia or the constitution and laws of the United States.

3. The annual meeting of the Buena Vista chamber of commerce for the election of officers and other purposes, shall be held at such time in each year as the association shall by their by-laws prescribe. But if, for any cause, a failure to hold such annual meeting shall occur, then the annual meeting and election of officers may be held at such time and place as may be appointed by the majority of the board of directors, upon thirty days' notice, by the president or secretary, being published in any newspaper in the town of Buena Vista. Meetings of the directors and the business meetings of the association, shall be held in accordance with the by-laws of the association.

4. The board of directors shall control, manage and conduct the financial and business concerns of the association.

5. It shall be lawful for such corporation, when they shall think proper, to receive and require of and from their officers, whether elected or appointed, good and sufficient bonds for the faithful discharge of their duties and trusts, and such bonds shall be made payable and conditioned as prescribed by the by-laws of this corporation, and may be sued on and the money collected and held for the use of the party injured or such other use as may be determined on by the said corporation.

6. Should said chamber of commerce at any time cease to exist, the property and estate thereof of whatever kind, shall, after the payment of all the liabilities of said chamber of commerce, be vested in the common council of the said city of Buena Vista, to be held by the said council for the use and benefit of any, the first similar organization to be created in said city within five years after the dissolution of said chamber of commerce, and if no similar organization be created within said city within said period, then said property and estate shall vest absolutely in said common council for the uses of the city of Buena Vista.

7. All taxes due from said chamber of commerce to the state of Virginia, shall be paid in lawful money of the United States, and not in coupons.

8. This act shall be in force from its passage.

CHAP. 233.—An ACT to define a lawful fence in the county of James City.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That within the county of James City, from and after the first day of April, eighteen hundred and ninety-two, the boundary lines of each lot or tract of land shall be, and are hereby, declared to be a lawful fence, and all animals going at large in said county after said date, shall be subject to the provisions of sections two thousand and forty-two, two thousand and forty-nine and two thousand and fifty of the code of Virginia.

2. This act shall be in force from its passage.

CHAP. 234.—An ACT to extend the time of B. B. Redwine, late treasurer of Wise county, to collect certain taxes and levies for the years 1887-'88-'89 and '90.

Approved February 16, 1892.

Whereas B. B. Redwine, treasurer of Wise county, Virginia, has in hand various uncollected tax tickets for taxes and levies, state and county, for the year eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, and eighteen hundred and ninety, none of which have been returned delinquent; therefore,

1. Be it enacted by the general assembly of Virginia, That authority is hereby given the said B. B. Redwine, treasurer of Wise county, to collect the amount due on said tickets for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, and eighteen hundred and ninety, and all of them, and to that end, that the said treasurer shall have the power of levy and distress given county treasurers by existing laws: provided that such power shall not continue longer than one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 235.—An ACT to amend section 992 of chapter 43 of code of Virginia, in reference to proposals for public work by county commissioners.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section nine hundred and ninety-two of chapter forty-three of the code of Virginia, be amended and re-enacted so as to read as follows:

Proposals for
work—how
made.

§ 992. The commissioners to receive proposals for any work, shall publish notice in a newspaper for four successive weeks, or at the front door of the court-house on court day, and at three or more public places in the neighborhood where the work is to be done, that proposals for such work will be received in writing on the first day of the next court, or on such subsequent day as may be mentioned in the notice. The notice shall describe the work to be done, state out of what fiscal year's levy it is to be paid for, and require such specifications to be made in the proposals as the commissioners may determine on.

Proposals—to
state out of
what year's
levy the work
is to be paid
for.

2. This act shall be in force from its passage.

CHAP. 236.—An ACT to amend the charter of the town of Abingdon.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the tenth clause of section fifteen, and the whole of section seventeen of an act entitled an act to provide a new charter for the town of Abingdon, Virginia, approved February twenty-second, eighteen hundred and ninety, chapter three hundred and thirty-one of the acts of general assembly eighteen hundred and eighty-nine and ninety, be amended and re-enacted so as to read as follows:

§ 15. Tenth clause.—To prevent, prohibit, and punish the illegal selling or bartering, or offering to sell or barter, ardent spirits, malt liquors, wines, or any mixture thereof, by fine or imprisonment, or, in the discretion of the mayor, by both fine and imprisonment, but in no case shall the fine exceed one hundred dollars and costs, or imprisonment exceed ninety days for any one offence. To prevent and punish the carrying about the person any unlawful or dangerous weapon, concealed from common observation, or going about armed with any such weapon, whether concealed or not, by a fine of not less than five dollars nor more than fifty dollars and costs and the forfeiture of such weapon to the town. For the enforcement of any ordi-

nance adopted under this act, the mayor and town council shall have jurisdiction, concurrent with the courts of the commonwealth, to try, fine, and punish in all civil matters within the corporate limits of the town, and in all criminal matters within the corporate limits and one mile beyond the same; and may provide that the offender, on failing to pay the fine and costs imposed, may be committed to prison, or the county jail, and compelled to work on the streets, or other public improvements within the town, or within one mile of the corporate line thereof, for the time of ninety days, unless the fine and costs be sooner paid; and in the event such person or persons so consigned to work, do not conform to the rules and regulations prescribed for their government, the same may be enforced by the infliction of such corporal punishment as the council may, by ordinance, prescribe.

§ 17. Where, by the provisions of this act, the council has authority to pass ordinances upon any subject, and for the enforcement of its laws and ordinances, it may prescribe any penalty not exceeding one hundred dollars fine, and may imprison not exceeding ninety days for each offence; and may further provide, that upon failure to pay the fine and costs, the offender may be imprisoned and compelled to work on the streets, or other public improvements within the town, or within one mile of the corporate line thereof, for the time of ninety days, unless the fine and costs be sooner paid: provided that in any case in which the fine imposed exceeds the sum of twenty dollars, exclusive of costs, for any one offence; or in which the penalty of imprisonment is adjudged (except for the non-payment of a fine under twenty dollars), the person convicted shall have the right of appeal to the county court of Washington county, in the same manner and form as provided by statutes for appeals from the decisions of a justice of the peace of the state for like offences.

2. This act shall be in force from its passage.

CHAP. 237.—AN ACT to amend section 1 of chapter 73 of an act incorporating the Berkley and Currituck turnpike company, approved February 3, 1898, and to extend the time for the completion of said road.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of chapter seventy-three, acts of eighteen hundred and eighty-seven-'eighty-eight, entitled an act incorporating the Berkley and Currituck turnpike company, approved February third, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That Parke L. Poindexter, George N. Halstead, B. F. Gibson, E. M. Tilley, Howard N. Johnson, E. B. Freeman, Albert H. Martin, T. W. Butt, W. N. Portlock, J. N. Eason, G. E. Bowden, Charles Gee, Thomas M. Hodgins, Morgan Treat, G. A. Martin, L. H. McNeil, J. E. Wickens, and J. B. Webb, be, and are hereby, made a body corporate and politic under the name and style of the Berkley and Currituck turnpike company, with full and adequate powers to construct a turnpike road from some point at or near the village of Berkley to the Southern Branch road, and along said road to a convenient point of departure; thence in a southerly direction to some point near Oak Grove church: provided that the said turnpike road shall not be less than thirty, nor more than sixty, feet wide.

2. The said company shall have a further period of three years from the date of the passage of this act for the completion of its road.

3. This act shall be in force from its passage.

CHAP. 238.—An ACT to amend and re-enact section 172 of the code of Virginia, in relation to the qualification of public officers.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section one hundred and seventy-two of chapter thirteen of the code of Virginia, be amended and re-enacted so as to read as follows:

Oaths—how
and by whom
administered

§ 172. Who may administer oaths to officers.—The oaths to be taken by a person elected a member of either house of the general assembly, shall be administered by the clerk or presiding officer of the houses, respectively, a justice or a notary. *Those to be taken by any judge of any court of record elected by the general assembly, shall be administered in a court of record, or by a judge of such court, or by any officer authorized by law to administer an oath.* Those to be taken by any person elected or appointed an officer of either house of the general assembly, shall be administered by such person, and in such manner, as such house may prescribe by its rules; and the oaths to be taken by a person elected or appointed to any other office or post, shall, except in cases in which it may be otherwise directed by law, be administered in a court of record, or by a judge of such court. A justice of another state may administer the oaths to be taken by a commissioner or other person residing therein.

2. This act shall be in force from its passage.

CHAP. 239.—An ACT to amend section 3730 of the code of Virginia, in relation to pulling down fences or leaving gates open, &c.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section three thousand seven hundred and thirty of code of Virginia, be amended and re-enacted so as to read as follows:

§ 3730. If any person, without permission of the owner, pull down the fence of another and leave the same down, or, without permission, open and leave open the gate of another, or any gate across a public road established by order of court, he shall be fined not less than five nor more than twenty dollars, to be recovered before a justice of the peace. Penalty for pulling down fences, etc.

2. This act shall be in force from its passage.

CHAP. 240.—An ACT to provide for the working and keeping in repair the public roads in the county of Shenandoah.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That on and after the first day of July, eighteen hundred and ninety-two, the board of supervisors of Shenandoah county shall take charge of and have worked and kept in repair all public roads and bridges heretofore or hereafter established within the limits of said county; and for this purpose the said board of supervisors are authorized and empowered to levy a road tax not exceeding in any year thirty cents upon the one hundred dollars of assessed taxable values, including all railroad and telegraph companies in said county, and to adopt such regulations as do not conflict with this law as may be necessary to secure the proper working of roads in said county. Each district shall retain the tax collected in its respective district to be applied to roads and bridges of that district. After the treasurer shall have collected the road tax for any one year, and finds out what the net proceeds are for each district, he shall notify the clerk of the board of supervisors, who shall issue a warrant on the treasurer payable to the road board of each district for the amount of the net proceeds of said road tax within and for said district, and which shall be expended in said district as hereafter stated. As large amount as possible shall be set aside annually by the supervisors for the purpose of macadamizing certain specified roads in the respective districts of the county, and the residue of the road tax to be

used for the repairs of roads, bridges, and so forth, as the board of supervisors may direct.

2. The supervisors and commissioners of roads of each magisterial district shall constitute a district board, and shall meet in May of each year to advertise for letting to contract for ensuing year.

3. The said commissioner of roads and supervisor of that district, severally, shall, annually, at the meeting of the board of supervisors, on the fourth Monday in July of each year, let to contract to the lowest suitable bidder or bidders, the work of keeping in repair the roads and bridges in their districts, notice of which letting shall be posted for ten days at each post-office and elsewhere in the district; the said letting to be a whole or in sections, at the discretion of the commissioner and supervisor of that district, and for the year ending on the thirtieth day of June of each year. They shall require the bids to be in writing and signed by the contractor, and shall deliver the same under seal to the supervisor of the district and commissioner of roads for their examination and approval or rejection at their first meeting thereafter. And if it shall appear that no bid is accepted, then the commissioner of roads and supervisors shall have worked said roads or bridges built, as they shall deem best. Each contractor shall be required to give bond, with good and acceptable security, in a penalty of at least double the amount of his bid, for the faithful performance of his contract, and in any case not more than three-fourths of the money under the contract shall be paid to any contractor until the road, bridge, or work has been accepted and approved by the commissioner of roads and supervisor in each district, and a recovery may also be had for any breach of said contract, in the name of the county, by motion, after ten days' notice to the contractor and his securities. The attorney for the commonwealth shall institute and prosecute such motion. The said contracts and bonds shall be filed with the clerk of the board of supervisors.

4. The contractors shall be entitled to the services for not more than two days in each year, of all male persons in the county of Shenandoah from sixteen years of age to sixty, except those that have been exempted by the county court of Shenandoah, and all those exempt according to existing laws, as in all such cases made and provided, and the said contractor shall be entitled to all remedies now existing for the collection of fines for failure to work when duly summoned by him, against persons liable for that duty according to section one thousand and ten Virginia code, eighteen hundred and eighty-seven. The road board shall assign hands to the roads, in so far as practicable, nearest their respective places of residence. Every contractor shall be a citizen of Shenandoah county.

5. It shall be the duty of the commissioner of roads to give personal supervision to all the roads and bridges within their respective districts, to see that the contractor is faithfully performing his contract, and for any failure in carrying it out, the commissioner of the district shall at once institute, through the prosecuting attorney, proceedings for the recovery of damages for the breach of said contract, and it shall be the duty of every such commissioner of roads to cause the roads in his district to be kept cleared, smoothed of rocks and obstructions, of necessary width, well drained, and otherwise in good order, to secure from the falling of dead timber therein, and across each stream, when it is necessary and practicable, a sufficient bridge, bench, or log, for the accommodation of foot passengers; and for every breach of duty under this section, he shall be guilty of a misdemeanor.

6. The commissioner of roads shall receive, as compensation, not exceeding two dollars per day while actually engaged, but in no case shall his compensation exceed one hundred dollars per annum, to be paid by the county.

7. All levies made and collected under this act, shall be collected and accounted for by the county treasurer as other levies are, and shall be paid out on the order of the district board.

8. No member of the board of supervisors or commissioner of roads, shall be directly or indirectly interested in any contract made under this act, and any participation therein by either, shall render the contract null and void.

9. When the court shall order the opening of a new road or the erection of a new bridge, the work of opening or building the same shall be let to contract, according to section three hereinbefore mentioned, by the commissioner and supervisor of that district in which said road or bridge is located, the contractor giving bond and security, to be approved and accepted by the district board. All petitions for roads shall be referred by the court if, in the opinion of the court, they are believed to be meritorious, to the district board, when roads ought to be changed or established, for their approval or disapproval, who are directed to make report thereof, accompanied with their reasons for said report, and shall also give any and all the information necessary in enabling the court to have an adequate apprehension of the matter, to which report exceptions may be taken, if any, and the court, at its discretion, may hear evidence, and if the opinion of the court be against the opening of the road, the petition shall be dismissed; but if favorable to the change or opening of the road, then the land owners along the route shall be duly summoned to show cause why the report of the district board shall not be confirmed, and other

proceedings had upon said petition shall be, in every instance, at the cost of the parties.

10. The board of supervisors shall fix the compensation of commissioners of roads and all other powers necessary to be employed in executing this act. For the additional service required by this act, the supervisors shall receive two dollars a day while actually engaged, but in no case shall the compensation of any one of them exceed fifty dollars per annum, to be paid by the county.

11. That at the regular election in May there shall be elected in each magisterial district one commissioner of roads, who shall reside in the district for which he is elected, and whose term of office shall be for two years, beginning on the first day of July next succeeding his election. Each commissioner of roads, appointed or elected, shall qualify at the time and in the manner prescribed by law for the qualification of magisterial district officers, and shall, at the time of his qualification, or before he enters upon the discharge of his duties, give bond with good personal security in the sum of two hundred dollars.

12. If the board of supervisors shall neglect or refuse to perform any duty required of them by this act, the county court may, upon the application of any person interested by mandamus, compel said board to perform such duty.

13. All acts and parts of acts, whether by special act or not, inconsistent herewith are hereby expressly repealed; but such provisions of the general road law of the state, as it appears in the code of Virginia eighteen hundred and eighty-seven and any acts amendatory thereof, to the time of approval of this act, as do not conflict with this act, shall continue in force in the county of Shenandoah.

14. This act shall be in force from and after the first day of July, eighteen hundred and ninety-two.

CHAP. 241.—An ACT to amend and re-enact sections 20, 24, 25, 28 and 29 of an act approved February 23, 1890, entitled an act to amend the charter of the town of Big Stone Gap, and to legalize certain acts of the town council.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That sections twenty, twenty-four, twenty-five, twenty-eight and twenty-nine of an act approved February twenty-eight, eighteen hundred and ninety, entitled an act to amend the charter of the town of Big Stone Gap, and to legalize certain acts of the town council, be amended and re-enacted so as to read as follows:

§ 20. It shall be the duty of the present council to fix the compensation of the members of the council who are to go into office on July first, eighteen hundred and ninety, *and thereafter each council shall fix the compensation of the members of the succeeding council*; but no council shall ever increase the compensation of its own members.

§ 24. In order to open, grade, pave, macadamize, or otherwise improve any street, sidewalk or alley, the council is authorized to make an assessment of such sum as may be necessary to complete such work, to be charged on the property abutting on such street, sidewalk or alley, and to be apportioned according to the number of feet *abutting* thereon. And to effectually carry out the powers thus conferred the council may take and enforce all needful and proper by-laws and ordinances.

§ 25. Licenses to sell vinous, spirituous or malt liquors, shall be granted only by the town council, and only when the applicant shall have been first licensed by the county court of Wise county, *or by the circuit court on appeal from the county court, as provided by law*; but the fact that any applicant has been licensed by the said county court, *or by the said circuit court on appeal from the county court*, shall not make it incumbent on the council to grant him a license. No license to sell liquor shall be granted by the council unless and until it be made to appear to the satisfaction of the said council that the applicant is a fit and proper person, of good moral character, and also that the situation in which the applicant is to conduct the business of selling liquor is a fit and proper place for such purpose, and until the applicant shall have furnished a bond, payable to said town, with security to be approved by the council, conditioned upon the observance, by said applicant, his partners, agents or employees, of all the ordinances, resolutions or by-laws of said town in force when said license is granted, or which may be passed thereafter.

§ 28. For the purpose of street improvement, drainage, sewerage, building bridges, erecting a town hall, a jail, *public school-houses*, market-houses, supplying the town with light and water, and for all such public purposes, the town council is authorized to issue and sell the registered bonds of the town, payable in not more than *fifty* years from the date of issue, to bear interest at a rate not greater than *six* per centum per annum; provided, however, that no such issue of bonds shall be made unless and until, at an election to be ordered held, for such purpose by the council, a majority of the votes cast at such election shall be in favor of the issue. No such election shall be held until after twenty days' notice thereof shall have been given by publication or posting, which notice shall show what amount of bonds is proposed to be issued, within what period or periods they are to become due, what rate

of interest they are to bear, *what proportion or proportions of the principal is to be collected and paid into the sinking fund for each year, or period of years, until the whole amount shall have become due and payable, and to what purpose or purposes the proceeds of the sale of said bonds are to be applied.* At such election all residents of said town qualified to vote for members of the general assembly may vote. And the town council is hereby authorized, by proper ordinances, to regulate and direct the manner and details of holding such elections and of ascertaining the result thereof. A vote entered on the town minutes by ayes and nays, showing two-thirds of the trustees of said town in favor of holding such election, shall be had before such election can be legally held.

§ 29. If such an election be held, and a majority of the votes legally cast be found in favor of an issue of bonds, it shall be the duty of the town council to elect four competent and suitable residents of said town, who, together with the mayor of the town, shall compose a board to be known as the board of sinking fund commissioners. The mayor of the town (ex-officio a member) shall be the president of said board. All the members of said board shall give bond before entering on their duties, in such sum and with such security as the council may prescribe, and no trustee of the town shall be a member of said board. The members of the said board shall hold office until the fifteenth day of July succeeding their election, unless sooner removed by the council, and until their successors are duly elected and qualified: provided, however, that the mayor (member ex-officio) shall, on the first day of July following the assumption by him of the office of president of said board, be succeeded in said office by his successor in the office of mayor. Between July first and July fifteenth succeeding the election of the first board, and annually thereafter between said dates, the council shall elect four members of said board, to hold office for one year and until their successors are duly elected and qualified, unless sooner removed by the council. When any member of said board shall die, resign, or become incapacitated, the council shall forthwith elect a successor in office. Whenever an issue of bonds shall have been made, it shall be the duty of the town council to levy and have collected a sufficient sum each year after such issue to pay the interest on said bonds which will have accrued up to the time such collection can be made and disbursed, and also sufficient to pay into the sinking fund the proportion of the principal, which shall be required to be paid each year by the act of the council and the vote taken thereon authorizing the issue. And if the entire issue cannot be disposed of at once, or if for any reason the council may deem it advisable not to sell the entire issue at once, it may sell and dispose of any portion, or portions, of such issue, from

time to time, as it may deem most advisable, and shall have levied and collected, and pay into the sinking fund each year only so much as may be necessary to pay the interest on, and such proportion of, the sum so sold and disposed of as shall have been specified in the notice calling the election; provided, however, that any portion of such issue which shall remain unsold at the expiration of two years from the date of the vote taken thereon shall be cancelled and remain void. The sums collected shall be turned over to the board of sinking fund commissioners, who shall, when it is due, pay the accrued interest on all of said bonds, and the balance of the money thus placed in their hands shall be by said board invested in interest-bearing or dividend-paying securities, which, in their judgment, are safe and not liable to fluctuate in value. And the fund thus collected shall, until the discharge of the bonds of the issue to secure which it is collected, be applied to no other purpose whatever. The council shall make and pass all necessary by-laws and ordinances necessary to carry out the provisions above as to the creation, investment, preservation and application of such sinking fund.

2. This act shall be in force from its passage.

CHAP. 242.—An ACT to incorporate the Chesapeake and West Virginia railroad company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That Francis O. French, Hugh R. Garden, J. J. Deery, T. A. Beall, and H. D. Garden, of New York; P. Hevner, of Philadelphia; and William P. DeSaussure, W. W. Woodward, C. M. White, J. R. Marchant, Maryus Jones, James N. Stubbs, William Campbell, C. B. Jones, C. E. Nicol, and Chancellor Bailly, of Virginia, or any three of them that may accept the provisions of this act, their associates and successors, be, and they are hereby, made a body politic and corporate, under the name and style of the Chesapeake and West Virginia railroad company, under which name it may sue and be sued, plead and be impleaded, contract and be contracted with; shall have perpetual succession, and may have a corporate seal and alter and renew the same at pleasure; and may make by-laws and regulations for the government of said company and its employees, not inconsistent with the laws of this commonwealth.

2. It shall be lawful for said Chesapeake and West Virginia railroad company to construct, operate, and maintain a line of railway, of standard or narrow gauge, with

single or double track, from some point on the Chesapeake bay, or the estuaries thereof, in the counties of Gloucester, Mathews, or Middlesex, thence by the most practicable and desirable route in a westerly direction to such a gap in the Blue Ridge mountain, lying between and inclusive of Brown's and Manassas gap, as may be found by actual survey to be the most practicable and eligible for this company's line; thence to any point on the West Virginia line bounding on the counties of Highland, Augusta, Rockingham, or Shenandoah, as may hereafter be ascertained to be to the best interests of this company in passing through the gaps of the Shenandoah range of mountains into West Virginia. In constructing its railroad it shall be lawful for said company to cross and recross the state line into and out of said states of Virginia and West Virginia as often as it may be deemed necessary, upon such terms as the state entered may require, and construction may begin at either or both ends of said line or any intermediate points thereof.

3. In order to secure a continuous line of railroad, to be operated under one management without change of cars or break of bulk, said company may acquire the franchises, rights, privileges and property of other chartered railroad companies connecting with its line in this and other states, or which may hereafter be chartered by exchanging its stock or by purchase or lease, and it may merge, and for the purpose aforesaid consolidate the same or any of them with the said Chesapeake and West Virginia railroad company, on such terms as may be agreed upon by the contracting parties, and may adopt another name for the consolidated company, full power and authority being hereby given such other companies to make and carry out such consolidation and merger, provided it shall not merge or consolidate with any other parallel or competing line. Said company is authorized to lease, purchase and own steamboats, barges and other water crafts propelled by steam or other motive power, to be operated in connection with its line of railroad for the transportation of freight and passengers.

4. Said company or its successor may from time to time issue and sell common and preferred stock in shares of one hundred dollars each, to an amount not to exceed twenty million dollars for such of its main line and branches as may be constructed in this state, and upon such terms and at such prices as its board of directors may direct; and it, or its successor, may issue and sell its bonds upon like terms at any time before the issue and disposal of its common or preferred stock, in whole or in part, and may secure the same by mortgages or deeds of trust upon its franchises and property, or any part thereof

5. To furnish a basis for raising capital it shall be lawful for said company or its successor to receive grants and subscriptions in lands, coal, iron, timber and material at their fair value, upon such terms as may be agreed upon with the board of directors, and it may exchange its stock or bonds therefor and may hold or sell the same at pleasure: provided said company shall not hold said lands more than thirty years from the completion of the road.

6. It shall be lawful for any railroad company, incorporated company, county, city or town to aid in the construction of said Chesapeake and West Virginia railroad, and for that purpose may subscribe to its capital stock, or that of its successor, and may acquire bonds of said company under such restrictions as are prescribed by law. The said company shall have power to cross at grade over or under any other railroad now constructed, or which shall be hereafter constructed, within this state, at any point on its route, subject to the provisions of the general law of this state; to unite its roads with any of said roads, and to enter upon the grounds of such railroad companies with the necessary turnouts, sidings, switchings and conveniences in furtherance of the objects of its construction, as well as to facilitate the economical exchange of passenger and traffic between the respective roads: provided, that the acquisition of any of the real estate of another company shall be in the mode prescribed by the law of this State.

7. The said company may have the right to acquire and own, for thirty years from completion of said road, by purchase or lease, any quarries, mines, coal beds, lumber yards, tanneries, furnaces and rolling mills, and erect and operate, lease or sell the same in any of the counties through which its road may pass, or in any adjoining county; provided, that not more than thirty thousand acres of land so acquired shall be held or owned in any one of said counties.

8. No stockholder shall ever be held liable for the indebtedness of said company in a sum greater than may be due on stock subscribed for or purchased by him at the agreed price therefor.

9. The directors of said company shall be stockholders, and they shall elect one of their number president; they shall be elected, and their number fixed by the stockholders in their annual meetings, and they shall hold their office until their successors are elected, and they may fill any vacancy in their board; each stockholder shall be allowed to cast one vote, either in person or by proxy, for each share of stock owned by him.

10. For the purpose of organizing said company, the persons first named in this act shall constitute its first board of directors, and shall serve until its first meeting

of stockholders, and three or more may act, and may receive subscriptions to the capital stock at any time and place; and when the sum of fifty thousand dollars is subscribed, they shall convene the stockholders and organize said company. At said meeting one of their number shall preside, and they shall certify said organization on the books of the company, and their certificate, or a copy thereof, duly authenticated by a notary public, shall be received as evidence of the legal organization of said company. Said company, or its successors, shall begin the work of constructing its railroad within two years from the passage of this act, and shall complete its main line in this state within five years from the beginning of construction.

11. Said company, or its successor, shall never, by reason of any merger or consolidation with any company in this or any other state cease to be a domestic corporation, but shall forever be and remain subject to the jurisdiction of the courts of this commonwealth.

12. All taxes which may be assessed against said company, shall be paid in lawful money of the United States.

13. This act shall be in force from its passage.

CHAP. 243.—An ACT to amend and re-enact section 5 of an act of the general assembly, approved March 6th, 1890, entitled an act to incorporate the Woman's christian association of Richmond.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section five of an act of the general assembly of Virginia, approved March sixth, eighteen hundred and ninety, to incorporate the Woman's christian association of Richmond, be amended and re-enacted so as to read as follows:

§ 5. That the said association may acquire property, real or personal, in any lawful manner, whether by purchase, gift, devise, or bequest, and it may sell, lease, exchange, or encumber any or all of its property, as it may see fit: provided that it shall not, at any one time, own property of any greater value in the aggregate, real and personal, than two hundred thousand dollars.

2. This act shall be in force from its passage.

CHAP. 244.—An ACT to incorporate the Virginia blood horse association, of the city of Richmond.

Approved February 16. 1892.

1. Be it enacted by the general assembly of Virginia, That Edward G. White, Avery W. Ready, Charles L. Guy, Chauncey D. Short and George W. Eldridge, of the city of New York, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of the "Virginia blood horse association," and by that name shall be known in law, and have perpetual succession, and have the power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and shall have power to make and have a common seal, to alter or renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers, privileges and franchises contained in this charter, or which may be necessary for the full enjoyment of the rights, powers, privileges and franchises herein contained, and may make by-laws and regulations for the government of all under its authority, the management of its properties, and for the due and orderly conduct of its business and affairs.

2. The objects of this association are the raising, improving and breeding of horses by providing proper ground and track for exercising, training and exhibiting the same, and proper accommodation for the government of such exhibitions and the distribution of such premiums and certificates of merit as shall be prescribed by the by-laws of said association.

3. The capital stock of this association shall be not less than five thousand dollars, nor more than one hundred thousand dollars, and shall be divided into shares, the par value of which shall be one hundred dollars each; and the board of directors may sell said shares of said stock, or any part thereof, at such prices as they may deem to be for the best interests of the association, and may receive real or personal property or services, in payment therefor, at such valuation as may be agreed upon between the said directors and the purchasers.

4. The said association is authorized and empowered to purchase, hold, own, lease, improve and control, or in any manner grant, bargain, sell, mortgage, convey, and otherwise dispose of real and personal properties, of any kind; provided, that the said association shall not own in fee more than five thousand acres of land in any one county of this state at any one time; and said association may own, control and maintain upon its said lands club-houses and stables, or other buildings for the entertainment,

lodging or keeping of man or beast, or of its members and guests.

5. The directors shall appoint from among their number a president, treasurer and secretary, and such other officers and agents as shall be prescribed by the by-laws.

6. This act shall be in force from its passage.

CHAP. 245.—An ACT to amend and re-enact section 2 of the charter of Suffolk, as amended by the acts approved respectively March 1st, 1875, April 21st, 1882, and February 8, 1884, and section 9 of said charter as amended by the acts approved February 8, 1884, and section 17 of said charter as amended by the acts approved respectively March 1st, 1875, and February 26, 1886.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of the charter of Suffolk, as amended by the acts approved respectively March first, eighteen hundred and seventy-five; April twenty-first, eighteen hundred and eighty-two, and February eight, eighteen hundred and eighty-four; section nine of said charter, as amended by the act approved February eighth, eighteen hundred and eighty-four, and section seventeen of the said charter, as amended by the acts approved respectively March first, eighteen hundred and seventy-five, and February twenty-sixth, eighteen hundred and eighty-six, be amended and re-enacted so as to read as follows:

§ 2. Hereafter the municipal authorities of said town shall consist of a mayor and nine councilmen, who shall be residents of said town and qualified by the constitution and laws of the state of Virginia to vote and hold office under said constitution and laws. They shall be elected on the fourth Thursday in May, eighteen hundred and ninety-three, for a term of two years, and on the fourth Thursday in May every two years thereafter for a like term, and shall enter upon the discharge of their duties as such authorities on the first day of July next after their election, and shall continue in office until their successors are elected and qualified. Such persons as may be elected to fill the office of mayor or the position of councilman shall neither hold nor exercise any other office created by this charter or by the council under the ordinances of said town during their continuance in office. The council as now constituted shall elect three additional councilmen, who shall be residents of the said town and qualified by the constitution and laws of the state of Virginia to vote and hold office under the said constitution and laws. The three additional councilmen thus elected shall enter upon

their duties as soon as they have qualified, and shall hold office until their successors, the councilmen to be elected on the fourth Thursday in May, eighteen hundred and ninety-three, as above provided for, shall have been elected and qualified.

§ 9. The mayor and five councilmen, or, in the absence of the mayor, six councilmen, shall constitute a quorum of the council for the transaction of any and all business.

§ 17. The council may, in the name and for the use of the said corporation of Suffolk, borrow money and contract loans and cause certificates of debt or other bonds to be issued therefor; but the amount of such certificates or bonds, including the bonds already issued by authority of the act entitled "an act to authorize the mayor and council of Suffolk to borrow money, approved April twenty-eighth, eighteen hundred and seventy-four," and those already issued by authority of the act entitled "an act to empower the council of the town of Suffolk to borrow money and issue bonds therefor, approved January twenty-fifth, eighteen hundred and ninety," shall not at any time exceed in the aggregate the sum of sixty-five thousand dollars. The council shall provide for the payment of the interest on all of such bonds and certificates out of the annual revenues of the said corporation, and may provide a sinking fund for the redemption of the principal of such bonds and certificates.

2. This act shall be in force from its passage.

CHAP. 246.—An ACT to amend and re-enact section 12 of chapter 3 of an act entitled an act to provide a charter for the city of Petersburg, approved March 11, 1875.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section twelve of chapter three of an act entitled an act to provide a charter for the city of Petersburg, approved March eleventh, eighteen hundred and seventy-five, be amended and re-enacted so as to read as follows:

§ 12. Whenever any new street shall be laid out or opened, any existing street graded or paved, or any culvert or sewer constructed, or any other public improvement whatsoever made, the common council may determine what portion of the expenses thereof shall be paid by the city, and what portion shall be paid by the owners of the adjacent real estate: provided, however, that in no case shall more than two-thirds of such expenses be assessed against the owners of the adjacent real estate: and provided further, that when such improvement shall consist of the paving

of any sidewalk or gutter, or the laying of any curbing for such sidewalk, then that the expenses thereof shall be paid, one-third by the city and two-thirds by the owners of the real estate abutting on the side of the street so improved. The assessments so made against the owners of such real estate for such improvements shall be a lien on such real estate, and may be collected by the same officer, and in the same manner, as city taxes and levies are collected. But no such improvement shall be made to be defrayed by a local assessment until first requested by a petition signed by at least a majority of the owners of property to be assessed for such improvement, or unless two-thirds of all the council shall concur in voting any improvement to be expedient, or in determining to make the same after allegations have been heard; in which case no request shall be necessary. And in order to the promotion, protection, and preservation of the public health, the common council shall have power and authority to compel the owners of lots fronting or bordering on any street along which a public sewer now runs, or shall hereafter run, to connect their respective premises with such sewer, subject to such rules, restrictions, and regulations as the common council or any regular committee thereof shall prescribe.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 247.—An ACT to incorporate the Virginia christian female seminary.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That John B. Cary, Thomas W. Bond, William M. Yager, W. S. Gooch, G. G. Gooch, George K. Anderson, Wm. J. Shelburne, M. W. Mason and G. B. Dudley, or such of them as may accept the provisions of this act, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of "The Virginia christian female seminary," and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity, and make and have a common seal, and alter and renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purpose of this act, and may make

by-laws, rules and regulations consistent with the existing laws of the state for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

2. The capital stock of said seminary shall not be less than fifteen thousand dollars, and may be increased to any amount not exceeding one hundred thousand dollars by the issue and sale of shares (the par value of which shall not be less than twenty-five dollars) from time to time, under such regulations as the board of directors shall prescribe, and the payment of subscriptions to the capital stock shall be made in such manner and on such terms as the board of directors shall determine; and the said board of directors may receive real or personal property in payment of subscriptions to the capital stock, at such valuation as may be agreed on between the directors and subscribers.

3. The object of the said seminary is to conduct and maintain an institution of learning for girls, and to teach, board, and give instruction to such girls, or other persons, as may be committed to its care, in accordance with such regulations as it may adopt.

4. The officers and directors who are to control the affairs of said seminary until the first regular meeting of its stockholders, shall be as follows: President, John B. Cary, of Richmond city; vice-president, William J. Shelburne; secretary, W. S. Gooch. Directors: John B. Cary, William M. Yager, G. G. Gooch, William J. Shelburne, Thomas W. Bond, W. S. Gooch, G. K. Anderson, G. B. Dudley, M. W. Mason. In case of vacancy in any of said officers, the same shall be filled by the board of directors in such a manner as they may deem fit.

5. At every annual meeting of stockholders, there shall be elected a board of directors consisting of eleven members, or so many as the by-laws shall prescribe, each of whom shall be a stockholder. The said board of directors shall have the power to elect a president, vice-president, secretary and treasurer, and to appoint such professors, officers, teachers, servants and agents, and to fix their compensation when not fixed by the by-laws, and take from them such bonds with security, as they may deem fit; they shall establish the curriculum of said seminary, fix the character of its instruction, and the requisites for the degrees to be conferred by it, and do any and all acts which are necessary to the establishment and maintenance of a college, seminary, or other institution of learning.

6. As soon as the minimum of the said capital stock shall have been subscribed, or as soon thereafter as may be deemed expedient, the said president and secretary shall, by advertisement or otherwise, invite proposals, by

way of inducement, for the location of said seminary. As soon after this as the board of directors may decide, they shall call a stockholders' meeting, at such place and time as they may determine, giving thirty days' notice thereof in some paper published in the city of Richmond, by mailing a notice thereof to each stockholder, or in any other way they may deem advisable. If a majority of the stock is represented at such meeting, either in person or by proxy, it shall have the power to determine the location of said seminary, the number, character, and cost of the buildings, equipments, and appurtenances of the same, unless they shall decide to refer the same, or any of them, to the board of directors for action thereon; and said meeting shall be considered the first annual meeting of the stockholders for the election of directors. If deemed advisable, said stockholders may adjourn to such time and place as they may see fit for the transaction of all or a part of the business demanding their attention. If a quorum be not present, in person or by proxy, then another meeting shall be called, as provided for herein, and so on until a duly authorized and organized stockholders' meeting is held.

7. The said seminary shall have the power to purchase, hold, sell and convey real estate not to exceed one thousand acres, and to acquire and hold personal property, and to receive donations, devises and bequests of any kind and amount.

8. The board of directors may establish offices and agencies at such places as they may deem proper; but the principal office shall be located within the limits of the state of Virginia, at such place as the said board may determine.

9. The regular annual meeting after this shall be held at such time and place as the stockholders may determine. A general meeting of stockholders may be held at any time as provided for by the eleven hundred and fourteenth section of chapter fifty-seven of the code of Virginia, edition of eighteen hundred and eighty-seven.

10. The said seminary shall issue certificates of stock to the subscribers thereof in shares of not less than twenty-five dollars each, signed by the president and countersigned by the secretary. The said certificates shall be transferable only upon the books of the seminary by said subscribers, their personal representatives, duly authorized agents or attorneys, and the said certificates, when so transferred as aforesaid, may be returnable to the said seminary and cancelled, and new certificates of stock shall be issued in lieu thereof to the person entitled thereto for a like number of shares.

11. It shall be lawful for said seminary to issue and sell its bonds from time to time for such sums and upon such

terms as its board of directors may deem expedient and proper; and it may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property and franchises, including its franchise to be a corporation; and it shall be lawful for said seminary to subscribe for and hold the shares of stocks and bonds of any corporation and for any corporation, and to guarantee or hold the shares of stock or bonds of the said seminary.

12. Each stockholder in said seminary shall at all meetings or elections be entitled to one vote for each share of stock registered in his name.

13. No stockholder or director in said seminary shall be held liable or made responsible for its debts or liabilities in a larger or further sum than the amount of any unpaid balance due to the said seminary for stock subscribed for by said stockholders.

14. All taxes and debts due and to become due the state of Virginia by said seminary shall be paid in lawful money of the United States, and not in coupons.

15. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves the right to modify, alter, or repeal this act at any time hereafter.

CHAP. 248.—An ACT authorizing the Lynchburg and Durham railroad company and certain other railroad companies to make and carry out contracts for the sale of the railroad property and franchises of the Lynchburg and Durham railroad company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the Lynchburg and Durham railroad company, with the authority or approval of a meeting of its stockholders, may sell and convey its railroad, property, and franchises to any railroad company operating or authorized to operate a connecting line of railroad in North Carolina or Virginia, upon such terms as may be agreed upon by the board of directors of the company so contracting; and for that purpose, power is hereby given to the Lynchburg and Durham railroad company, and to such other railroad company, to make and carry out such contracts as will facilitate or consummate such sale and conveyance: provided, however, that no power herein contained shall authorize any sale and conveyance to any company owning, operating, or controlling a parallel or competing line.

2. The general assembly hereby reserves the right to amend, alter, or repeal this act at its pleasure.

3. This act shall be in force from its passage.

CHAP. 249.—An ACT to authorize the Mutual annuity company and the Inter-States life association to consolidate and form a single joint stock company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the mutual annuity company, a corporation duly chartered by order of the judge of the circuit court of Augusta county, entered June thirteenth, eighteen hundred and eighty-nine, and by order of the judge of the circuit court of Augusta county amending said charter, entered July thirteenth, eighteen hundred and ninety, and the Inter-States life association, a corporation duly chartered by order of the judge of the circuit court of Augusta county, entered December twenty-sixth, eighteen hundred and eighty-five, be, and they are hereby, authorized to unite, consolidate and form a single corporation under the name of the Mutual annuity company, upon such terms and conditions as the stockholders of each of said corporations either have heretofore or may hereafter agree upon, which corporation, as so consolidated, shall be authorized to exercise all of the powers granted to the Mutual annuity company, and the Inter-States life association by the charters and amendments herein above recited, and shall be bound by, and perform and discharge all of the obligations resting upon either of said corporations, and all taxes and dues from said company, to the state of Virginia, shall be paid in lawful money of the United States, and not in coupons.

2. This act shall be in force from its passage.

CHAP. 250.—An ACT to allow H. R. Parker to erect a pier or wharf in front of Green's island on James river.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That H. R. Parker, of the county of Isle of Wight, be authorized to erect a pier or wharf in front of Green's island, on James river, for the purpose of shipping oysters and produce for himself and others, and may charge for the same such sum as the county court of Isle of Wight may allow; provided the said pier or wharf shall not obstruct navigation on the said river.

2. This act shall be in force from its passage.

CHAP. 251.—An ACT to incorporate the Virginia, Washington and Maryland ferry company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That C. W. Ridley, Griffith E. Abbot, David C. Leech, Luther W. Speer, Park Agnew, M. B. Harlow, Francis A. Reed, William M. Reardon, and James R. Caton, and their associates and successors, be, and are hereby, created and constituted a body politic and corporate by the name and style of the Virginia, Washington and Maryland ferry company, for the purpose of establishing, maintaining, and operating a steam ferry between Alexandria, Virginia, the city of Washington, District of Columbia, the Maryland shore of the Potomac river, Sheridan's point, on the Virginia shore of the Potomac river, and intermediate points between Alexandria and Sheridan's point, on the Virginia shore of the Potomac river; and by that name and style shall have perpetual succession, may sue and be sued, contract and be contracted with, plead and be impleaded, and have a common seal, and change the same at pleasure; and shall have all the rights and privileges of a corporation, and be subject to all the rules, regulations, and restrictions imposed by the code of Virginia relating to joint stock companies, so far as they are applicable to and not inconsistent with the provisions of this act.

2. The said company shall have power to establish, maintain, and operate a steam ferry between Alexandria, Virginia, the city of Washington, District of Columbia, the Maryland shore of the Potomac river, Sheridan's point, on the Virginia shore of the Potomac river, and intermediate points between Alexandria and Sheridan's point, on the Virginia shore of the Potomac river, for the transportation and ferriage of persons, vehicles, cattle, freight, goods, and merchandise, and to charge tolls therefor, and to purchase or lease a steamboat or steamboats and outfit, and to lease, purchase, construct, or build, and own and hold wharves, docks, and landings for its purposes and general business and regulations, and to acquire and hold such real estate at such of its landings as it may desire by purchase, gift, or lease, and to dispose of the same when not necessary for the purposes of the company.

3. The capital stock of the said company shall be not less than fifty thousand dollars, nor more than two hundred and fifty thousand dollars, to be divided into shares of the par value of one hundred dollars each; and for the purpose of obtaining subscriptions to the said capital stock, the said corporators may receive subscriptions to the said stock in money, land, labor, material, outfit, supplies, or

of stockholders, and three or more may act, and may receive subscriptions to the capital stock at any time and place; and when the sum of fifty thousand dollars is subscribed, they shall convene the stockholders and organize said company. At said meeting one of their number shall preside, and they shall certify said organization on the books of the company, and their certificate, or a copy thereof, duly authenticated by a notary public, shall be received as evidence of the legal organization of said company. Said company, or its successors, shall begin the work of constructing its railroad within two years from the passage of this act, and shall complete its main line in this state within five years from the beginning of construction.

11. Said company, or its successor, shall never, by reason of any merger or consolidation with any company in this or any other state cease to be a domestic corporation, but shall forever be and remain subject to the jurisdiction of the courts of this commonwealth.

12. All taxes which may be assessed against said company, shall be paid in lawful money of the United States.

13. This act shall be in force from its passage.

CHAP. 243. — An ACT to amend and re-enact section 5 of an act of the general assembly, approved March 6th, 1890, entitled an act to incorporate the Woman's christian association of Richmond.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section five of an act of the general assembly of Virginia, approved March sixth, eighteen hundred and ninety, to incorporate the Woman's christian association of Richmond, be amended and re-enacted so as to read as follows:

§ 5. That the said association may acquire property, real or personal, in any lawful manner, whether by purchase, gift, devise, or bequest, and it may sell, lease, exchange, or encumber any or all of its property, as it may see fit: provided that it shall not, at any one time, own property of any greater value in the aggregate, real and personal, than two hundred thousand dollars.

2. This act shall be in force from its passage.

CHAP. 244.—An ACT to incorporate the Virginia blood horse association, of the city of Richmond.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That Edward G. White, Avery W. Ready, Charles L. Guy, Chauncey D. Short and George W. Eldridge, of the city of New York, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of the "Virginia blood horse association," and by that name shall be known in law, and have perpetual succession, and have the power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and shall have power to make and have a common seal, to alter or renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers, privileges and franchises contained in this charter, or which may be necessary for the full enjoyment of the rights, powers, privileges and franchises herein contained, and may make by-laws and regulations for the government of all under its authority, the management of its properties, and for the due and orderly conduct of its business and affairs.

2. The objects of this association are the raising, improving and breeding of horses by providing proper ground and track for exercising, training and exhibiting the same, and proper accommodation for the government of such exhibitions and the distribution of such premiums and certificates of merit as shall be prescribed by the by-laws of said association.

3. The capital stock of this association shall be not less than five thousand dollars, nor more than one hundred thousand dollars, and shall be divided into shares, the par value of which shall be one hundred dollars each; and the board of directors may sell said shares of said stock, or any part thereof, at such prices as they may deem to be for the best interests of the association, and may receive real or personal property or services, in payment therefor, at such valuation as may be agreed upon between the said directors and the purchasers.

4. The said association is authorized and empowered to purchase, hold, own, lease, improve and control, or in any manner grant, bargain, sell, mortgage, convey, and otherwise dispose of real and personal properties, of any kind; provided, that the said association shall not own in fee more than five thousand acres of land in any one county of this state at any one time; and said association may own, control and maintain upon its said lands club-houses and stables, or other buildings for the entertainment,

lodging or keeping of man or beast, or of its members and guests.

5. The directors shall appoint from among their number a president, treasurer and secretary, and such other officers and agents as shall be prescribed by the by-laws.

6. This act shall be in force from its passage.

CHAP. 245.—An ACT to amend and re-enact section 2 of the charter of Suffolk, as amended by the acts approved respectively March 1st, 1875, April 21st, 1882, and February 8, 1884, and section 9 of said charter as amended by the acts approved February 8, 1884, and section 17 of said charter as amended by the acts approved respectively March 1st, 1875, and February 26, 1886.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of the charter of Suffolk, as amended by the acts approved respectively March first, eighteen hundred and seventy-five; April twenty-first, eighteen hundred and eighty-two, and February eight, eighteen hundred and eighty-four; section nine of said charter, as amended by the act approved February eighth, eighteen hundred and eighty-four, and section seventeen of the said charter, as amended by the acts approved respectively March first, eighteen hundred and seventy-five, and February twenty-sixth, eighteen hundred and eighty-six, be amended and re-enacted so as to read as follows:

§ 2. Hereafter the municipal authorities of said town shall consist of a mayor and nine councilmen, who shall be residents of said town and qualified by the constitution and laws of the state of Virginia to vote and hold office under said constitution and laws. They shall be elected on the fourth Thursday in May, eighteen hundred and ninety-three, for a term of two years, and on the fourth Thursday in May every two years thereafter for a like term, and shall enter upon the discharge of their duties as such authorities on the first day of July next after their election, and shall continue in office until their successors are elected and qualified. Such persons as may be elected to fill the office of mayor or the position of councilman shall neither hold nor exercise any other office created by this charter or by the council under the ordinances of said town during their continuance in office. The council as now constituted shall elect three additional councilmen, who shall be residents of the said town and qualified by the constitution and laws of the state of Virginia to vote and hold office under the said constitution and laws. The three additional councilmen thus elected shall enter upon

their duties as soon as they have qualified, and shall hold office until their successors, the councilmen to be elected on the fourth Thursday in May, eighteen hundred and ninety-three, as above provided for, shall have been elected and qualified.

§ 9. The mayor and five councilmen, or, in the absence of the mayor, six councilmen, shall constitute a quorum of the council for the transaction of any and all business.

§ 17. The council may, in the name and for the use of the said corporation of Suffolk, borrow money and contract loans and cause certificates of debt or other bonds to be issued therefor; but the amount of such certificates or bonds, including the bonds already issued by authority of the act entitled "an act to authorize the mayor and council of Suffolk to borrow money, approved April twenty-eighth, eighteen hundred and seventy-four," and those already issued by authority of the act entitled "an act to empower the council of the town of Suffolk to borrow money and issue bonds therefor, approved January twenty-fifth, eighteen hundred and ninety," shall not at any time exceed in the aggregate the sum of sixty-five thousand dollars. The council shall provide for the payment of the interest on all of such bonds and certificates out of the annual revenues of the said corporation, and may provide a sinking fund for the redemption of the principal of such bonds and certificates.

2. This act shall be in force from its passage.

CHAP. 246.—An ACT to amend and re-enact section 12 of chapter 3 of an act entitled an act to provide a charter for the city of Petersburg, approved March 11, 1875.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section twelve of chapter three of an act entitled an act to provide a charter for the city of Petersburg, approved March eleventh, eighteen hundred and seventy-five, be amended and re-enacted so as to read as follows:

§ 12. Whenever any new street shall be laid out or opened, any existing street graded or paved, or any culvert or sewer constructed, or any other public improvement whatsoever made, the common council may determine what portion of the expenses thereof shall be paid by the city, and what portion shall be paid by the owners of the adjacent real estate: provided, however, that in no case shall more than two-thirds of such expenses be assessed against the owners of the adjacent real estate: and provided further, that when such improvement shall consist of the paving

of any sidewalk or gutter, or the laying of any curbing for such sidewalk, then that the expenses thereof shall be paid, one-third by the city and two-thirds by the owners of the real estate abutting on the side of the street so improved. The assessments so made against the owners of such real estate for such improvements shall be a lien on such real estate, and may be collected by the same officer, and in the same manner, as city taxes and levies are collected. But no such improvement shall be made to be defrayed by a local assessment until first requested by a petition signed by at least a majority of the owners of property to be assessed for such improvement, or unless two-thirds of all the council shall concur in voting any improvement to be expedient, or in determining to make the same after allegations have been heard; in which case no request shall be necessary. And in order to the promotion, protection, and preservation of the public health, the common council shall have power and authority to compel the owners of lots fronting or bordering on any street along which a public sewer now runs, or shall hereafter run, to connect their respective premises with such sewer, subject to such rules, restrictions, and regulations as the common council or any regular committee thereof shall prescribe.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 247.—An ACT to incorporate the Virginia christian female seminary.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That John B. Cary, Thomas W. Bond, William M. Yager, W. S. Gooch, G. G. Gooch, George K. Anderson, Wm. J. Shelburne, M. W. Mason and G. B. Dudley, or such of them as may accept the provisions of this act, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of "The Virginia christian female seminary," and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity, and make and have a common seal, and alter and renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purpose of this act, and may make

by-laws, rules and regulations consistent with the existing laws of the state for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

2. The capital stock of said seminary shall not be less than fifteen thousand dollars, and may be increased to any amount not exceeding one hundred thousand dollars by the issue and sale of shares (the par value of which shall not be less than twenty-five dollars) from time to time, under such regulations as the board of directors shall prescribe, and the payment of subscriptions to the capital stock shall be made in such manner and on such terms as the board of directors shall determine; and the said board of directors may receive real or personal property in payment of subscriptions to the capital stock, at such valuation as may be agreed on between the directors and subscribers.

3. The object of the said seminary is to conduct and maintain an institution of learning for girls, and to teach, board, and give instruction to such girls, or other persons, as may be committed to its care, in accordance with such regulations as it may adopt.

4. The officers and directors who are to control the affairs of said seminary until the first regular meeting of its stockholders, shall be as follows: President, John B. Cary, of Richmond city; vice-president, William J. Shelburne; secretary, W. S. Gooch. Directors: John B. Cary, William M. Yager, G. G. Gooch, William J. Shelburne, Thomas W. Bond, W. S. Gooch, G. K. Anderson, G. B. Dudley, M. W. Mason. In case of vacancy in any of said officers, the same shall be filled by the board of directors in such a manner as they may deem fit.

5. At every annual meeting of stockholders, there shall be elected a board of directors consisting of eleven members, or so many as the by-laws shall prescribe, each of whom shall be a stockholder. The said board of directors shall have the power to elect a president, vice-president, secretary and treasurer, and to appoint such professors, officers, teachers, servants and agents, and to fix their compensation when not fixed by the by-laws, and take from them such bonds with security, as they may deem fit; they shall establish the curriculum of said seminary, fix the character of its instruction, and the requisites for the degrees to be conferred by it, and do any and all acts which are necessary to the establishment and maintenance of a college, seminary, or other institution of learning.

6. As soon as the minimum of the said capital stock shall have been subscribed, or as soon thereafter as may be deemed expedient, the said president and secretary shall, by advertisement or otherwise, invite proposals, by

way of inducement, for the location of said seminary. As soon after this as the board of directors may decide, they shall call a stockholders' meeting, at such place and time as they may determine, giving thirty days' notice thereof in some paper published in the city of Richmond, by mailing a notice thereof to each stockholder, or in any other way they may deem advisable. If a majority of the stock is represented at such meeting, either in person or by proxy, it shall have the power to determine the location of said seminary, the number, character, and cost of the buildings, equipments, and appurtenances of the same, unless they shall decide to refer the same, or any of them, to the board of directors for action thereon; and said meeting shall be considered the first annual meeting of the stockholders for the election of directors. If deemed advisable, said stockholders may adjourn to such time and place as they may see fit for the transaction of all or a part of the business demanding their attention. If a quorum be not present, in person or by proxy, then another meeting shall be called, as provided for herein, and so on until a duly authorized and organized stockholders' meeting is held.

7. The said seminary shall have the power to purchase, hold, sell and convey real estate not to exceed one thousand acres, and to acquire and hold personal property, and to receive donations, devises and bequests of any kind and amount.

8. The board of directors may establish offices and agencies at such places as they may deem proper; but the principal office shall be located within the limits of the state of Virginia, at such place as the said board may determine.

9. The regular annual meeting after this shall be held at such time and place as the stockholders may determine. A general meeting of stockholders may be held at any time as provided for by the eleven hundred and fourteenth section of chapter fifty-seven of the code of Virginia, edition of eighteen hundred and eighty-seven.

10. The said seminary shall issue certificates of stock to the subscribers thereof in shares of not less than twenty-five dollars each, signed by the president and countersigned by the secretary. The said certificates shall be transferable only upon the books of the seminary by said subscribers, their personal representatives, duly authorized agents or attorneys, and the said certificates, when so transferred as aforesaid, may be returnable to the said seminary and cancelled, and new certificates of stock shall be issued in lieu thereof to the person entitled thereto for a like number of shares.

11. It shall be lawful for said seminary to issue and sell its bonds from time to time for such sums and upon such

terms as its board of directors may deem expedient and proper; and it may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property and franchises, including its franchise to be a corporation; and it shall be lawful for said seminary to subscribe for and hold the shares of stocks and bonds of any corporation and for any corporation, and to guarantee or hold the shares of stock or bonds of the said seminary.

12. Each stockholder in said seminary shall at all meetings or elections be entitled to one vote for each share of stock registered in his name.

13. No stockholder or director in said seminary shall be held liable or made responsible for its debts or liabilities in a larger or further sum than the amount of any unpaid balance due to the said seminary for stock subscribed for by said stockholders.

14. All taxes and debts due and to become due the state of Virginia by said seminary shall be paid in lawful money of the United States, and not in coupons.

15. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves the right to modify, alter, or repeal this act at any time hereafter.

CHAP. 248.—An ACT authorizing the Lynchburg and Durham railroad company and certain other railroad companies to make and carry out contracts for the sale of the railroad property and franchises of the Lynchburg and Durham railroad company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the Lynchburg and Durham railroad company, with the authority or approval of a meeting of its stockholders, may sell and convey its railroad, property, and franchises to any railroad company operating or authorized to operate a connecting line of railroad in North Carolina or Virginia, upon such terms as may be agreed upon by the board of directors of the company so contracting; and for that purpose, power is hereby given to the Lynchburg and Durham railroad company, and to such other railroad company, to make and carry out such contracts as will facilitate or consummate such sale and conveyance: provided, however, that no power herein contained shall authorize any sale and conveyance to any company owning, operating, or controlling a parallel or competing line.

2. The general assembly hereby reserves the right to amend, alter, or repeal this act at its pleasure.

3. This act shall be in force from its passage.

CHAP. 249.—An ACT to authorize the Mutual annuity company and the Inter-States life association to consolidate and form a single joint stock company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the mutual annuity company, a corporation duly chartered by order of the judge of the circuit court of Augusta county, entered June thirteenth, eighteen hundred and eighty-nine, and by order of the judge of the circuit court of Augusta county amending said charter, entered July thirteenth, eighteen hundred and ninety, and the Inter-States life association, a corporation duly chartered by order of the judge of the circuit court of Augusta county, entered December twenty-sixth, eighteen hundred and eighty-five, be, and they are hereby, authorized to unite, consolidate and form a single corporation under the name of the Mutual annuity company, upon such terms and conditions as the stockholders of each of said corporations either have heretofore or may hereafter agree upon, which corporation, as so consolidated, shall be authorized to exercise all of the powers granted to the Mutual annuity company, and the Inter-States life association by the charters and amendments herein above recited, and shall be bound by, and perform and discharge all of the obligations resting upon either of said corporations, and all taxes and dues from said company, to the state of Virginia, shall be paid in lawful money of the United States, and not in coupons.

2. This act shall be in force from its passage.

CHAP. 250.—An ACT to allow H. R. Parker to erect a pier or wharf in front of Green's island on James river.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That H. R. Parker, of the county of Isle of Wight, be authorized to erect a pier or wharf in front of Green's island, on James river, for the purpose of shipping oysters and produce for himself and others, and may charge for the same such sum as the county court of Isle of Wight may allow; provided the said pier or wharf shall not obstruct navigation on the said river.

2. This act shall be in force from its passage.

CHAP. 251.—An ACT to incorporate the Virginia, Washington and Maryland ferry company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That C. W. Ridley, Griffith E. Abbot, David C. Leech, Luther W. Speer, Park Agnew, M. B. Harlow, Francis A. Reed, William M. Reardon, and James R. Caton, and their associates and successors, be, and are hereby, created and constituted a body politic and corporate by the name and style of the Virginia, Washington and Maryland ferry company, for the purpose of establishing, maintaining, and operating a steam ferry between Alexandria, Virginia, the city of Washington, District of Columbia, the Maryland shore of the Potomac river, Sheridan's point, on the Virginia shore of the Potomac river, and intermediate points between Alexandria and Sheridan's point, on the Virginia shore of the Potomac river; and by that name and style shall have perpetual succession, may sue and be sued, contract and be contracted with, plead and be impleaded, and have a common seal, and change the same at pleasure; and shall have all the rights and privileges of a corporation, and be subject to all the rules, regulations, and restrictions imposed by the code of Virginia relating to joint stock companies, so far as they are applicable to and not inconsistent with the provisions of this act.

2. The said company shall have power to establish, maintain, and operate a steam ferry between Alexandria, Virginia, the city of Washington, District of Columbia, the Maryland shore of the Potomac river, Sheridan's point, on the Virginia shore of the Potomac river, and intermediate points between Alexandria and Sheridan's point, on the Virginia shore of the Potomac river, for the transportation and ferriago of persons, vehicles, cattle, freight, goods, and merchandise, and to charge tolls therefor, and to purchase or lease a steamboat or steamboats and outfit, and to lease, purchase, construct, or build, and own and hold wharves, docks, and landings for its purposes and general business and regulations, and to acquire and hold such real estate at such of its landings as it may desire by purchase, gift, or lease, and to dispose of the same when not necessary for the purposes of the company.

3. The capital stock of the said company shall be not less than fifty thousand dollars, nor more than two hundred and fifty thousand dollars, to be divided into shares of the par value of one hundred dollars each; and for the purpose of obtaining subscriptions to the said capital stock, the said corporators may receive subscriptions to the said stock in money, land, labor, material, outfit, supplies, or

other available means for that purpose, and are authorized to receive subscriptions from individuals, other companies, associations, or corporations, and other companies, associations, or corporations are authorized to subscribe to and hold the stock of the said company. And the said company is authorized and empowered to subscribe to and hold stock in other companies, associations, or corporations.

4. The principal office of said company shall be at Alexandria, Virginia.

5. The said company may, by a two-thirds vote of the board of directors, issue bonds for an amount not exceeding its capital stock, and secure the same by deed of trust or mortgage upon all or part of the property, real and personal, and franchises of the company.

6. The officers of the company shall be five directors, to be elected by the stockholders in their annual meeting, and a president, secretary, and treasurer, the three last named to be elected by the board of directors. And the said company may by its by-laws prescribe the duties of its officers and directors, and require and take bonds from its officers for the faithful discharge of their duties. A majority of the directors shall constitute a quorum.

7. It shall be lawful for any incorporated company to aid in constructing, equipping and operating the said steam ferry, and for that purpose may acquire the bonds or stock of the said company, and the said company may run, use, and operate by lease or otherwise, the vessels of any other transportation or ferry company, or person or persons, upon such terms as may be agreed upon between the party or parties, or corporations owning the said vessels and this company.

8. That the said company is authorized to construct at any point along its route on the Potomac river, and to own and maintain warehouses, store-houses, wharves, docks, landings, hotels, and summer resorts, and to maintain, construct, equip, and operate lines of railway not exceeding ten miles in length from such wharves, landings, hotels, and summer resorts, and to unite, intersect, or join the said roads with any railroad now built or constructed, or hereafter to be built or constructed, and to connect with any railroad constructed or to be constructed, and to make traffic arrangements and contracts with any railroad company, or other transportation or ferry company, for the carriage or ferriage of passengers, vehicles, cattle, freight, goods, and merchandise, and shall have power to purchase, lease or acquire by other lawful method so much real estate as it may desire at any of its landings, or summer resorts, not exceeding twenty acres at any one point, and when such lands are not required for the use of the company, to sell and convey the same.

9. The incorporators herein named or a majority of them, are authorized to open books for subscription to its stock, after such notice, and at such time and place as they may deem fit.

10. This charter is granted upon condition that the said company shall, within two years from the passage of this act, establish and have in operation the said ferry between Alexandria and one or more of the points hereinbefore named, and continue to operate the same between Alexandria and the points then established, thereafter without intermission, otherwise all rights hereunder shall cease, determine and be void: provided, however, that if the said company shall, within two years, establish and have in operation a ferry between Alexandria and any one or more of the points hereinbefore named, then this charter shall have full force and effect as a charter for a steam ferry between Alexandria and the points then established and then in operation as a ferry line, and no more.

11. This act shall be in force from and after its passage.

CHAP. 252.—An ACT to amend and re-enact section 48 of an act approved January 22, 1892, entitled an act to amend the charter of the city of Bristol.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section forty-eight of an act entitled "an act to amend and re-enact sections thirteen and fifty of sessions acts of eighteen hundred and eighty-nine and ninety, entitled an act to change the name of the town of Goodson to the city of Bristol, and provide a new charter for the same, and section forty-eight of said act as amended by an act approved March the third, eighteen hundred and ninety," approved January twenty-second, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 48. The city council may, in the name of, and for the use of the city, contract loans, or cause to be issued certificates of debt or bonds: provided no such certificate of debt or bonds shall be issued except by a two-thirds vote of the council; and provided furthermore, that at no time shall the city issue any obligations to an amount in excess of ten per cent. of the value of real and personal property within said city, as assessed for taxation, but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four years; provided further, that the council of said city shall levy and col-

lect such an amount of taxes per annum as may be necessary to pay the interest on such certificates, or bonds and provide a sinking fund sufficient to pay the principal of same at maturity. All contracts for erection of public improvements within the jurisdiction of the city council shall be let to the lowest bidder, and notices shall be given at least thirty days before the work is finally let, by advertising in one or more newspapers published in the city, and the party to whom said contract shall be let shall give such bond as the council may require, but in no event shall any contract be let to any member of the city council, nor shall any member have any interest in such contract.

2. This act shall be in force from its passage.

CHAP. 253.—An ACT to incorporate the town of Shendun, Virginia.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits set forth and described in section second of this act be deemed and taken as the town of Shendun, and the inhabitants of the town of Shendun, for all purposes for which towns are incorporated in this commonwealth, shall be a body politic, in fact and in name, under the style and denomination of the town of Shendun, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations incumbent upon and pertaining to said town as a municipal corporation.

2. The boundaries of the said town shall be as follows, namely: Beginning at the northeastern corner of the villa-lot portion of Shendun, the intersection of the northern line of Shendun Pass street with the eastern line of the alley lying east of Gloucester street; thence in a southerly direction along the east side of said alley to the southern side of E street; thence westwardly along said side of E street to the right of way of the Norfolk and Western railroad; thence northerly along said right of way to the line dividing the tract recently owned by Mary E. Crawford from the tract now owned by the Grottoes of the Shenandoah company; thence westwardly along said last mentioned line to the middle of South river; thence down the middle thread of said river and following the main channel thereof to a point where the eastern line of Seventh avenue, produced in a northerly direction, intersects said channel; thence southerly along the east side of

Seventh avenue, produced to the business portion of Shendun, a corner of lot eighteen in block one hundred and sixty-three; thence along the northern side of the business portion of Shendun, passing along the northern side of blocks one hundred and thirty-six, one hundred and nine, eighty-two, fifty-five, a part of twenty-eight, and thence between lots five and six in block twenty-eight to the right of way of the Norfolk and Western railroad; thence along the western side of said right of way to a point where the northern line of the property of the Middle Shendun land company, if extended westwardly, would intersect said right of way, thence crossing the railroad to a corner of middle Shendun; thence along the lines of Middle Shendun, south seventy-three degrees and thirty-nine and three-fourths minutes, east seven hundred and fifty-seven and one-tenth feet; thence north twenty-three degrees and nine minutes, east thirteen and four-tenths feet; thence south fifty-nine degrees and fifty-nine and three-fourths minutes, east eight hundred and eighty-two and two-tenths feet; thence north twenty-three degrees and two and one-fourth minutes, west seven hundred and seventy-four and nine-tenths feet; thence north fifty-eight degrees and eighteen and one-half minutes, west one hundred and ninety-one and twenty-five hundredths feet; thence south twenty-two degrees and thirty and one-half minutes, west sixteen hundred and sixty and forty-five hundredths feet to the southeastern corner of Middle Shendun; thence continuing in the same direction to Shendun Pass street; thence eastwardly along the northern side of said street to the point of beginning: The greater portion of said territory lies in the county of Rockingham, possibly a very small portion thereof lying in Augusta county, the boundary line at this point not being accurately fixed. The streets and alleys mentioned in the above description are shown on maps of the property of the Grottoes company, known as the map of the villa lot portion and the map of the business portion of Shendun, Virginia, and are duly recorded in the clerk's office of the county courts of Rockingham county and Augusta county.

3. The government of said town shall be vested in a council of seven, to be elected by ballot on the fourth Thursday in May, eighteen hundred and ninety-three, and every two years thereafter.

4. Any person entitled to vote in the state of Virginia, and residing in the corporate limits of the town of Shendun thirty day previous to any election, shall be entitled to vote at all elections under this act of incorporation.

5. The following named persons are hereby appointed to fill the following offices until the first day of July, eighteen hundred and ninety-three, and until their suc-

cessors are elected and qualified, namely: W. I. Harnsberger, mayor; and councilmen as follows: J. W. Rumples, H. G. Miller, L. D. Patterson, J. M. Pirkey, E. K. Armentrout and J. G. Hall. The said council, which includes the mayor as president thereof, shall have power to appoint a sergeant, treasurer, commissioner of the revenue, and such other officers as may be necessary, who shall remain in office until their successors are elected and qualified. In case the council shall determine to have a treasurer, sergeant, commissioner of the revenue, clerk, or any of said officers, they, as well as the mayor and councilmen, shall be elected by the qualified voters of said town on the fourth Thursday of May, eighteen hundred and ninety-three, their term of office to begin on the first day of July following, and said officers shall be elected bi-ennially thereafter.

6. The mayor and councilmen shall qualify by taking the oath of office before any person qualified to administer oaths, and if the mayor, or any of the above appointed councilmen should fail to qualify for ten days after four of those above appointed shall have qualified, they shall be deemed to have declined said office, and those who have qualified shall proceed to fill the vacancies thus existing. The above officers shall act without compensation, except that they may receive the fees allowed by law for acting as justice of the peace in any case. The mayor and each of the councilmen shall and may exercise all jurisdiction, civil and criminal, conferred by law upon justices of the peace, whether arising under the laws of the state or under the by-laws and ordinances of the council, within the corporate limits of the town of Shendun, shall preserve peace and good order in said town; and to this end, each one of them shall be a conservator of the peace, with all the powers conferred upon conservators of the peace by law, and shall be entitled to the same fees as justices of the peace, and each one of them shall keep a record book as is required by law of justices of the peace. Their jurisdiction when acting as justices and conservators of the peace, in criminal matters, and the jurisdiction of the corporate authorities of said town in criminal matters and for imposing and collecting a license tax on all shows, performances and exhibitions, shall extend one mile beyond the corporate limits of said town. Appeals from the decisions of said persons when acting in capacity of justices of the peace, when allowed by law, shall in all cases lie to the county court of Rockingham county, and in no case to the county court of Augusta county.

7. The sergeant of said town shall have the same powers, and discharge the same duties, as constables within the corporate limits of said town, and to the distance of

one mile beyond the same. He shall have power to arrest in said town or anywhere within Rockingham and Augusta counties, upon a warrant issued by the mayor, a councilman, or a justice of the peace, any person charged with a violation of the laws of the commonwealth or ordinances of said town; and where a violation of the laws or ordinances aforesaid are committed in his presence, within the limits of said town, he shall have authority and power, without warrant, forthwith to arrest the offender, and carry him before the mayor or some conservator of the peace of said town, to be dealt with according to law. The council may allow the sergeant a salary, and they may appoint him as collector of taxes and levies, allowing him a certain per centum for collecting the same.

8. The person whose duty it may be to collect town levies, taxes, and fines, shall have the same power to distrain therefor for goods and chattels within said town, or within the counties of Augusta and Rockingham, as tax collectors have in similar cases.

9. The council may impose a tax on the real and personal estate situated in the town of Shendun, but the said tax shall not exceed fifty cents on the one hundred dollars of the assessed value thereof; and the said council may, by a resolution passed by two-thirds of the entire council, exempt all land, machinery, implements, money, and capital actually used, by any manufacturing establishment for manufacturing purposes within said town from all taxes for corporate purposes for a period of ten years from July first, eighteen hundred and ninety-two, but this exemption is not to be construed as applying to capital employed in purchasing articles manufactured outside of the town and brought there to be used in manufacturing. The council may also impose a license tax for the privilege of doing any business within the corporate limits, the same as now imposed by law in this state; and it may impose a poll tax, not to exceed fifty cents per capita, on every male inhabitant of said town over the age of twenty-one years. But the said council shall not grant a license to any bar-room, or for the sale of spirituous or malt liquors, unless two-thirds of the members of the council shall vote therefor, and in such case the license tax for keeping a bar-room shall not be less than five hundred dollars, and for selling liquor not to be drunk on the premises not less than three hundred dollars per annum.

10. The council shall keep in order the public streets and alleys and walks of said town, and it may require the able-bodied male inhabitants over the age of sixteen years to work on the same. The inhabitants of said town shall not be required to work on the roads of the adjoining counties, nor shall the real and personal property situated

in said town be subject to taxation for county road purposes.

11. If the government of the said town is organized before the first day of July, eighteen hundred and ninety-two, by the qualification of the council, taxes assessed against real and personal property, and the poll-tax, shall be regarded as due for the whole of the year eighteen hundred and ninety-two. Licenses shall follow the general law as to apportionment from the time they may be imposed.

12. The boundaries of the said town shall be deemed to constitute a lawful fence in all respects.

13. It shall not be lawful for the council to create a debt, at any one time, in excess of twelve per cent. of the assessed value of its real and personal property.

14. The said town shall be allowed the use of the Rockingham county jail for the safe-keeping and confinement of all persons who shall be sentenced to imprisonment under the general laws or the ordinances of said town. And when any judgment shall be rendered against a person for any fine or penalty under any ordinance of said town, and the same be not immediately paid, the person or persons so in default may be required by the order of the court passing sentence, to work out such fines or penalties on the public streets or other public improvements at fifty cents a day, under the direction of the sergeant, and under such rules and regulations as may be deemed proper by the council.

15. This act shall be in force from its passage.

CHAP. 254.—An ACT to amend and re-enact section 19 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property and incomes, and on licenses to transact business, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and prescribing the mode of obtaining licenses to sell wine, ardent spirits, malt liquors, or any mixture thereof, in cases where a commissioner's certificate as required, approved March 6, 1890, in reference to taxing railroad and other companies.

Approved February 16, 1892.

Section
amended.

1. Be it enacted by the general assembly of Virginia, That section nineteen of chapter one of an act approved March sixth, eighteen hundred and ninety, entitled an act to provide for the assessment of taxes on persons, property, and incomes, and on licenses to transact business, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and prescribing the mode of obtaining licenses

to sell wine, ardent spirits, malt liquors, or any mixture thereof, in any cases where a court certificate is required, be amended and re-enacted so as to read as follows:

§ 19. Every railroad and canal company of this state not exempted from taxation by virtue of its charter, and every railroad and canal company incorporated under the laws of any other state doing business in this state, shall report annually, on the first day of June, to the auditor of public accounts, all of its real and personal property of every description as of the first day of February of each year, showing particularly in what county or corporation the principal office or agency of such company is located in this state, and in what county or corporation such property is located, and classifying the same under the following heads:

Railroad and canal companies to report.

First. Roadway and track, or canal bed.

Second. Depots, depot grounds and lots, station building and fixtures, and machine shops.

Reports—what to embrace.

Third. Real estate not included in other classes.

Fourth. Rolling stock, including passenger, freight, cattle or stock, baggage, mail, express, sleeping, palace and all other cars owned by or belonging to the company; boats, machinery, depot and office furniture and equipments; houses and appurtenances occupied by lock-gate keepers and other employees: provided, that the rolling stock of foreign corporations doing business in this state shall be assessed on the average amount of such property habitually used in this state.

Fifth. Stores.

Sixth. Telegraph lines.

Seventh. Stocks, bonds, and other evidences of debt of other corporations and individuals and firms held by such company.

Eighth. Stocks, bonds, and other evidences of debt of any person, firm, or corporation, belonging to any such company, chartered in this state, in excess of its indebtedness, whether the same be held in trust, or otherwise, by some other person, firm, or corporation, within or without this state, which, for the purposes of this act, shall be considered to be located at the principal office of such company in this state.

Ninth. All other personal property of such company not enumerated in either of the foregoing heads, which would be taxable under this act if the same belonged to an individual. Every such company shall also report, on or before the first day of June of each year, the gross and net receipts of the road or canal for the twelve months preceding the first day of February of each year, and in all cases the report shall be so made as to give the data on which the same is made. If such road or canal is only in part within the commonwealth, the report shall show what

Lines partly
within state to
show propor-
tion.

Taxes—how
paid.

Valuation.

Roads of min-
ing companies.

part is within the commonwealth, and what proportion the same bears to the entire length of the road or canal, and shall apportion the receipts accordingly. The reports herein required shall be verified by the oath of the president or other proper officer. Upon the receipt of every such report, it shall be the duty of the auditor of public accounts to lay the same before the board of public works, who shall, after thirty days' notice, previously given to the president, treasurer, or other proper officer of such company, proceed to ascertain and assess the value of the property as reported, upon the best and most reliable information that can be procured, and to this end shall be authorized and empowered to send for persons and papers, should it be deemed necessary. A certified copy of the assessment, when made, shall be immediately forwarded by the secretary of the board to the president or other proper officer of every railroad or canal company so assessed, whose duty it shall be to pay into the treasury of the state, within sixty days after the receipt thereof, the tax which may be imposed thereon by law. A company failing to make such report or to pay the tax assessed upon its property, shall be immediately assessed under the direction of the auditor of public accounts, by any person appointed by him for the purpose, rating their real estate and rolling stock at twenty thousand dollars per mile, and assessing a fair cash valuation of all their other property upon his own view or upon such information as he may obtain or possess. And a tax shall at once be levied on such value at the annual rate levied upon the value of the other property for the year. Such tax, so levied, as well as the sum required to be paid upon the report hereinbefore mentioned, if the same be not paid at the time provided herein, shall be collected by the treasurer of some county in which such company owns property, to whom the auditor may deliver the assessment, or a copy thereof. The treasurer may distrain and sell any personal property of such company, and shall pay the taxes into the treasury within three months from the time of the assessment, or a copy as aforesaid, may be delivered to him, the compensation of such treasurer to be the same as he receives for collecting other taxes in his county, or corporation. The road-bed, depots, depot grounds, rolling stock, tools, oil and other articles used in operating railroads owned by mining, lumber and like companies which transport passengers or freight for others than such owners, must be assessed by the board of public works, in the mode prescribed by this act. All other property of such mining, lumber and like companies, must be assessed by the commissioner of the revenue upon the land and personal property books of the counties and cities where located. Mining, lumber and like companies operating railroads to transport pas-

sengers or freight for others, shall be construed as in the provision of this section as to all of their property except their real estate not used as a part of their road-beds, or for depot purposes which shall be assessed by the commissioner of the revenue in the county or corporation wherein situated. The board of public works and its secretary shall at all times be transported over the properties of such companies free of charge, for the purpose of inspecting the same with reference to the assessments required by this act. It shall be the duty of the auditor of public accounts to prepare and furnish to the several companies required to make reports under this act, forms for such reports, which companies shall use in making the reports required of them. And it shall be the duty of the secretary of the board to furnish to the council of every corporation and to the board of supervisors of every county wherein any property belonging to such company is situated, a certified copy of the assessment of taxes made by the board of public works of such company's property which shall definitely show the character of the property, its value and location for purposes of taxation.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 255.—An ACT to amend and re-enact section 2597 of the code of Virginia, in regard to testamentary guardians.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section twenty-five hundred and ninety-seven of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2597. Testamentary guardians.—Every father may by his last will and testament appoint a guardian for his child born or to be born, and for such time during its infancy as he shall direct. Every mother may in like manner, by her last will and testament, appoint a guardian of her infant child, provided such infant have no father living and there be no other duly qualified guardian appointed by the father; and such guardian shall have the custody and control of the person and estate of said infant. Upon the qualification of a guardian appointed by the mother under the provisions of this act the powers of any guardian of her child, appointed otherwise than by the father, shall thereupon cease and determine.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 256.—An ACT to amend and re-enact section 2848 of the code of Virginia in relation to personal service of notice of protest.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section twenty-eight hundred and forty-eight of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2848. What equivalent, in city or town, to personal service of notice of protest.—In any city or town, the sending of a notice of protest or dishonor of a bill, note, or other negotiable instrument, properly addressed, by mail, to any person residing therein, or whose post-office is therein, shall be deemed equivalent to personal service of the notice on such party.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 257.—An ACT to incorporate the Newport News creosoting company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That Carter M. Braxton, George E. Alsop, Boyd D. Chandler, John L. Marye, junior, Elliott M. Braxton, and such other persons as they may associate with them and their successors, be, and they are hereby, made and constituted a body politic and corporate by the name of the "Newport News creosoting company," and shall have all the powers, rights, and franchises proper for the purpose of conducting the business hereinafter described.

2. Any five of the corporators named may organize the company by electing a president and board of directors; and thereupon the said company shall have and exercise all general powers, and be subject to the general restrictions provided by the laws of the state of Virginia as to bodies politic and corporate, except so far as the same are modified by or are inconsistent with this act.

3. The said company shall have authority in the prosecution of its business to manufacture creosote, and otherwise treat piles, telegraph poles, cross-ties, and lumber of all kinds; to own, build, or acquire by purchase or otherwise, and operate the same, all barges, steam-tugs and vessels necessary to the successful carrying on of said business; to own, erect, construct, and build warehouses, oil-tanks, piers, wharves, docks, and basins to extend suffi-

ciently far into the Hampton roads or James river to secure adequate depth of water for the purposes of said company, and to construct and have constructed tramways, side-tracks or switches connecting their premises with the lines of transportation in accordance with the municipal or other regulations applying to such facilities: provided, however, that they shall not have power to condemn land or material.

4. The principal office shall be in Newport News, Warwick county, Virginia.

5. The said company shall have power to purchase, own, hold, lease, sell, grant, transfer, convey, pledge, or otherwise control real or personal property, except that it shall only hold such real estate as is proper for the purposes for which it was incorporated and as security, not to exceed one thousand acres at one time.

6. The capital stock of this company shall not exceed one hundred thousand dollars, nor be less than ten thousand dollars, to be divided into shares of the par value of one hundred dollars each, and said stock may be all common or such part or parts preferred as the board of directors of said company may determine in receiving the original subscriptions to the stock of the company, and thereafter as may be determined by the board or the company. The preferred stock may be issued as first preferred and second preferred stock, or either, in such proportions as may be determined by the board or the company. Each share of stock shall be entitled to one vote, unless otherwise provided at the time its issue is authorized. The said company may dispose of such stock at such prices and upon such terms and conditions as may be agreed upon between the board of directors and the subscribers thereto.

7. The board of directors of said company may, with or without notice, open the books and receive subscriptions to the stock, from time to time, as they may deem expedient, until the stock is fully taken, and all subscriptions to the stock of the company shall be payable at such times and places and in such manner and amounts as said board of directors may prescribe; and said board of directors, with the consent of the holder or holders thereof, may, from time to time, retire any of the capital stock of said company, as may be deemed best for the interest of said company.

8. It shall be lawful for said company to receive in full or part payment of subscriptions to the capital stock of said company, as may be agreed upon by its board of directors, money, lands, leases, materials, stocks, bonds, claims, or other property or interest therein, or other means deemed available for the purposes or adapted to the uses of said company, or the proceeds of which, by sale or

exchange, may be converted to the uses of said company; and such subscriptions may be received from individuals, other associations, or corporations, and any corporation of this state is hereby authorized to subscribe to the stock of the company hereby incorporated; or any service, labor, means, or property of the character described in this section, received by the company, the board of directors may pay for wholly or partly in capital stock of said company, and said company may sell, lease, or otherwise dispose of any land or property acquired under this section.

9. The board of directors shall have power to issue bonds, either registered or coupons, or convertible the one with the other, in sums of one hundred dollars and multiples thereof, and bearing interest not exceeding six per centum per annum, the principal and interest of which shall be payable at such times and places as the board of directors may determine, and may secure the same by one or more mortgages or deeds of trust, and may sell such bonds at such discount as may be thought best for the benefit of the company.

10. All taxes, dues, and demands due the state, or what may hereafter become due by this company to the state of Virginia, shall be paid in lawful money of the United States, and not in coupons.

11. This act shall be in force from its passage.

CHAP. 258.—An ACT to amend and re-enact section 596 of the code of Virginia in relation to the collection of taxes due to the commonwealth from notaries public.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section five hundred and ninety-six of the code of Virginia be amended and re-enacted so as to read as follows:

Section
amended.

§ 596. Treasurer to collect from notary; how delinquents allowed.—The treasurer shall collect the amount due from each notary in his county or city as other taxes are collected, and pay the same into the treasury within ninety days from the receipt of the report from the commissioner, *the notary being entitled to retain a commission of five per centum for receiving and paying the same.* He shall return to the court of his county or corporation a list, under oath, of all taxes which he has been unable to collect from such notaries, and if the court certify that he could not by the use of due diligence collect the same, the auditor shall credit him with the amount so returned delinquent: provided, the said list and certificate be pre-

mented to the auditor within two months after the expiration of the time prescribed for the collection of such taxes.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 259.—An ACT to amend and confirm the charter of the Mutual annuity company, granted by the judge of the circuit court of Augusta county, the 13th day of June, 1889, and amended by order of said judge made the 13th day of July, 1890.

Approved February 16, 1892.

Be it enacted by the general assembly of Virginia, That the charter of the Mutual annuity company, granted by the order of William McLaughlin, judge of the circuit court of Augusta county, made on the thirteenth day of June, eighteen hundred and eighty-nine, and amended by an order of the said judge made on the thirteenth day of July, eighteen hundred and ninety, be amended and confirmed so that the provisions of said charter shall be as follows, to-wit:

1. That M. Erskine Miller, Edward Echols, James Bumgardner, junior, George C. Jordan, Joseph B. Woodward, Charles L. Cook, Asher Ayres and Charles L. Weller, and such persons as may be associated with them, and their successors, are hereby created and constituted a body politic and corporate, by the name of the Mutual annuity company, and by such name shall have perpetual succession, may contract and be contracted with, sue and be sued, make and use a common seal, and alter the same at pleasure, and make and maintain such by-laws, rules and regulations for the government of said corporation and the conduct of its business, as may be deemed necessary, not in conflict with the laws or the constitution of this state or of the United States.

2. The capital stock of said company shall not be less than twenty-five thousand dollars nor more than five million dollars, to be divided into shares of one hundred dollars each, to be paid up in such instalments and upon such terms as may be prescribed by the by-laws of said company, and said company may issue stock preferred as well as to the payment of dividends thereon, as in regard to being secured by the assets of the company, and may also issue common stock, the terms upon which such preferred stock and common stock shall be issued, to be determined by the board of directors of the company. The stock of said company shall be personal property, and shall be transferable on the books of the company in person or by attorney duly authorized in writing, and in all meetings of the stockholders, each stockholder shall

be entitled to one vote for each share of stock held by him, and the stockholders shall be liable only for the payment of the full amount of stock subscribed for by them, and a stockholder holding fully paid up stock shall not be liable to any contribution or any debts, liabilities, or obligations of said company. The said company shall have a lien on the stock of any stockholder for the amount due by him at any time to said company on said stock.

3. The principal office of the company shall be located in Staunton, Virginia.

4. The officers of the company who are to manage the affairs of the company, shall be the officers who have been duly elected and constituted in accordance with the provisions of the original charter of said company, and the amended charter of said company, and their successors who shall be duly elected in accordance with the provisions of said original charter and amended charter and of this charter; and the directors of said company may appoint such subordinate officers and agents as they may deem necessary for the proper dispatch of the business of the company.

5. The said company is hereby authorized to insure lives; to purchase annuities for cash, or for bonds or other obligations of the company; to sell annuities for cash or for approved securities; to purchase, hold and dispose of property, real and personal, as may be necessary in conducting the life insurance and annuity business; to borrow money on the security of real estate, or on the bonds of the company or otherwise; to invest its funds or lend the same upon the security of stock, bonds or other security, real or personal, or to use the same in the purchase of annuities properly secured or otherwise, and generally to transact the business of a life insurance company, and of an annuity company; and to purchase, subscribe for, and hold stock in any other corporation.

6. All taxes and dues from said company to the state of Virginia shall be paid in lawful money of the United States, and not in coupons.

7. This act shall be in force from its passage.

CHAP. 280.—An ACT to incorporate the Foundling hospital of the city of Richmond.

Approved February 16, 1892.

Whereas it is represented to the general assembly of Virginia that the late P. Wilkie Brown, of Richmond, Virginia, by his last will and testament bequeathed to the

Rev. Joshua Peterkin, D. D., and the Rev. Moses D. Hoge, D. D., of the city of Richmond, Virginia, a large sum of money in trust, for the purpose of establishing in the city of Richmond a foundling hospital, in which are to be admitted and taking white foundlings in the city of Richmond, from time to time; and for taking care and providing for such foundlings until they arrive at a suitable age to be apprenticed, or otherwise placed in condition to provide for themselves, or until they can be provided for elsewhere, and enjoined upon and earnestly requested and directed the said trustees to procure an act of incorporation from the legislature of Virginia, containing such provisions as in their judgment would make his purposes effectual. And whereas it is further represented to the general assembly of Virginia that the Reverend Joshua Peterkin has declined to accept the said trust and that the chancery court of the city of Richmond, by a decree entered on the twenty-first day of April, eighteen hundred and ninety-one, has appointed Charles V. Meredith, trustee, in the place and stead of the said Joshua Peterkin, to act in conjunction with the said Moses D. Hoge. And in pursuance of the said last will and testament of P. Wilkie Brown, deceased, the said trustees do now apply for a charter of incorporation; therefore,

1. Be it enacted by the general assembly of Virginia, That Moses D. Hoge, C. V. Meredith, W. W. Parker, E. A. Catlin, and John Skelton Williams, and their associates and successors, as hereinafter provided, be, and they are hereby constituted and created a body politic and corporate by the name of the Foundling hospital of Richmond, Virginia, and by that name are hereby made capable in law and equity to sue and be sued, plead and be impleaded, contract and be contracted with; to make, have, and use a common seal, and to alter, break, or renew the same at pleasure, and shall have the right to take and hold by purchase, gift, or devise, real and personal estate (the real estate not exceeding in value two hundred thousand dollars, exclusive of improvements), and to dispose of, mortgage, pledge, and convey the same whenever directed by a majority vote of the board of governors.

2. The five persons hereinbefore mentioned as the incorporators of said institution shall constitute the board of governors, and shall hold office for life, or so long as they are residents of Virginia; and in the event of death or resignation or removal from Virginia of any one or more of said board, the remaining members shall elect other suitable persons to fill vacancies, who shall thereupon be invested with like powers and hold office as their predecessors; and three members shall constitute a quorum to transact any business.

3. There shall be a meeting of the said board of governors, within six months after the passage of this act, for the purpose of organization. Said board shall then elect from its own members a president, and shall as soon as practicable appoint a secretary and treasurer, and all other subordinate officers and agents necessary to conduct the affairs of the institution, and shall prescribe their duties and affix such compensation for their services as it may deem proper. The board of governors shall, from time to time, adopt such by-laws and regulations as may be necessary for the government of the institution, which shall have the same force and effect as if expressed in this act of incorporation. There shall be an annual meeting of the board of governors at such time and place as may be fixed by the by-laws.

4. In view of the charitable objects to be accomplished by the institution hereby incorporated, its property, real and personal, shall be exempt from city, county, and state taxes. And a misnomer of the corporation in any deed, gift, grant, or devise, or any instrument or contract, shall not vitiate the same if said corporation be sufficiently described therein to show the intention of the parties. The said corporation shall have the power to receive into its custody and retain under its exclusive control and management any white foundling in the city of Richmond, Virginia. And the "Foundling hospital of Richmond, Virginia," hereby incorporated and made a body politic, shall have the same right as any individual now has to qualify as statutory guardian, or to be appointed testamentary guardian of an infant eligible to admission into said institution; but no commission shall be allowed to said corporation upon moneys received by it as such guardian. The children who shall be received into said hospital as aforesaid, shall, from the time they are so received, and until they arrive at a suitable age to be apprenticed or otherwise placed in condition to provide for themselves, or until they can be provided for elsewhere, or unless sooner voluntarily dismissed by the board of governors, remain under its charge and be subject to its exclusive control. The corporation hereby created is invested with all the rights of a parent or natural guardian over the person of any child committed to its charge for the purpose of the protection and proper training of such child; and the manager of said hospital shall have the right, by and with the consent of the board of governors, to apprentice or put to service for a term of years any of the foundling inmates upon such terms and conditions as in the judgment of the board the welfare of the child may require. The person to whom such inmate may be apprenticed or put to service shall report to the Foundling hospital of Richmond, Virginia, at stated periods to

be named in the articles of apprenticeship, the condition of the child as well as the conduct of the same; and should the party to whom such apprentice may be bound fail to comply with the terms of the indenture, the board of governors may cancel said indenture and receive the apprentice again into the hospital. The chancery court of the city of Richmond, in whose jurisdiction the said foundling hospital is located, shall have the power, on complaint of any person, to investigate the condition or treatment of a child or children apprenticed or put into service by said institution, and to correct and annul any articles of apprenticeship that may have been entered into under this act, if upon investigation such court should deem it advisable and just; and for the purposes of executing the power hereby given, such court shall cause such child or children to be brought before it, together with the persons to whom said child or children may have been bound.

5. The president shall hold office until the next annual meeting of the corporation and until his successor is elected. The secretary, treasurer, and other subordinate officers shall hold office for such time as the board of governors may prescribe.

6. This act shall be in force from its passage.

CHAP. 261.—An ACT to amend and re-enact section one of chapter one hundred and twenty-nine of the acts of the general assembly of Virginia approved Feb. 28, 1890, entitled an act to prescribe the time for holding the courts of the seventeenth judicial circuit.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of chapter one hundred and twenty-nine of the acts of the general assembly of Virginia, approved February twenty-eight, eighteen hundred and ninety, entitled an act to prescribe the time for holding the courts of the seventeenth judicial circuit be amended and re-enacted so as to read as follows; Section amended.

§ 1. That the circuit courts for the several counties composing the seventeenth judicial circuit shall be held as follows:

Buchanan county, on the fourth Monday in February, May and September.

Dickenson county, on the second Monday in February, May and October.

Scott county, on the third Monday in March, June and November.

Lee county, on the first Monday in March, June and November.

Wise county, on the first Monday in April, September and December.

Commencem^t. 2. This act shall be in force from its passage.

CHAP. 262.—An ACT to incorporate the Harrisonburg and Bridgewater electric railroad company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That Rives Tatum, Charles Selden, Ed. S. Conrad, E. A. Saunders, Ashton Starke, Charles E. Wingo, W. J. Johnson, William Loeb, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of "Harrisonburg and Bridgewater electric railroad company," and as such are empowered to locate, construct, equip and operate an electric railway, commencing at some point in or near the town of Harrisonburg, Rockingham county, Virginia, and running through the streets of said town or such of them as said company may desire, and a portion of the county of Rockingham, through or near the town of Dayton, in said county, to the town of Bridgewater, in said county, running through the streets of said towns, or such of them as said company may desire: provided the consent of the councils of said towns shall be obtained for the use of said streets, and may construct and operate its said road in any other part of said county by and with the consent of the county court of said county.

2. The said company shall have the right to acquire lands along the route of said railway by donation, purchase or in any other legal manner, not to exceed two thousand acres, to use, sell or hold the same; and shall have the further right, with the consent of the board of supervisors of Rockingham, to use as a road-bed for said railway, a portion or side of the road known as the Harrisonburg and Warm Springs turnpike, which portion of said turnpike shall be selected by the board of supervisors, or to select any other route as to the stockholders and directors of said company may seem advisable and which may hereafter be selected.

3. The company may acquire by condemnation, according to the laws of Virginia, the land required for the necessary stations, depots, and power plants for its operations, not to exceed two acres at any one point, and should it not use the turnpike as the road-bed, the right of way of one hundred feet in width for its railway.

4. It shall be lawful for said company to transport passengers, freight, and baggage over the line of their railway and to collect such fares and toll for same as may be prescribed by law.

5. The said company may use electric, steam, or horsepower, and all such engines, machinery, and other appliances as it may deem necessary to propel the cars along its road.

6. The capital stock shall not be less than five thousand dollars, to be divided into shares of twenty-five dollars each, which may be paid in cash, labor, material, bonds, stocks, real or personal property, at such valuation as may be agreed upon between the directors and the subscribers, and the subscriptions for the capital stock may be payable in such manner, amounts, and times as may be agreed upon with the board of directors and the subscriber.

7. Said company shall have the power to lease its road and to borrow money for the use of the company, and secure the loans by deeds of trust on all or parts of its road, estate, franchises, and income.

8. The company is authorized and empowered to locate, construct, equip, and operate any lateral or branch roads or tramways not to exceed twenty-five miles, which a majority of its stockholders may determine upon, and by such route or routes as may be selected by the board of directors.

9. The board of directors shall be stockholders of said company, and shall consist of such number as the stockholders may determine upon, and shall be elected at the stockholders' annual meeting, and they shall elect one of their number president.

10. The work of construction under this charter shall be commenced within two years and said construction completed in five years from the passage of this act.

11. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

12. This act shall be in force from its passage.

CHAP. 263.—An ACT to remove political disabilities of B. F. Hudgins, Jr.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia (two-thirds of both houses concurring), That the disabilities of B. F. Hudgins, junior, incurred under clause three of section one of article three of the constitution of Vir-

ginia, with reference to duelling, be, and the same are hereby, removed.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 264.—AN ACT to amend and re-enact section 923 of the code of Virginia, in regard to the appointment of notaries public.

Approved February 16, 1892.

Section
amended.

1. Be it enacted by the general assembly of Virginia, That section nine hundred and twenty-three of the code of Virginia be amended and re-enacted so as to read as follows:

§ 923. The governor shall appoint in and for the separate counties and cities of the state as many notaries as to him shall seem proper, who shall hold office for the term of four years, and who shall exercise the powers and functions of conservators of the peace; and he may appoint the same person to serve for two or more counties and cities: provided that notaries in cities and in counties in which cities or parts thereof are located, shall have authority to act as such in each of said localities, or for one county and city. Every notary shall give bond in the county court of the county or the hustings court of the city for which he is appointed, within four months from the date of his commission, in a penalty of not less than five hundred dollars; and the clerk of said court shall immediately forward a certified copy of said bond to the secretary of the commonwealth. The removal of a notary from the county or corporation in which he resided when appointed, unless such removal be into another county or city, for which he may have been also appointed, shall be construed as a vacation of his office, and the clerk of said county or city shall at once inform the governor of the fact as well as of all deaths of notaries that may occur.

2. It shall be the duty of the secretary of the commonwealth, when a commission is ordered by the governor, to send the same to the clerk of the court of the county or city in which the notary public is required to qualify, to be delivered by him to the notary public after he has given bond and taken the oath of office; and the clerk of the court in which this is done shall be required forthwith to report the fact to the secretary of the commonwealth, who shall be required to keep a book stating the names and number of notaries public, when appointed, and when qualified.

Commencem't. 3. This act shall be in force from its passage.

CHAP. 265.—An ACT to amend and re-enact section 21 of an act approved March 3, 1890, entitled an act to provide a new charter for the town of Liberty to extend its limits, and to change its name to Bedford City and validate bonds already issued by the town of Bedford City.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section twenty-one of an act approved March third, eighteen hundred and ninety, entitled an act to provide a new charter for the town of Liberty, to extend its limits, and to change its name to Bedford City, be amended and re-enacted so as to read as follows:

§ 21. The mayor and council, by the name and for the use of the town of Bedford City, may, when in their opinion the necessities of the town require it, contract loans, and for that purpose may make, issue, and sell, for and on behalf of said town, the bonds of said town, either registered or coupon, and may at any time in the discretion of the council, and under such rules and regulations as it may prescribe, exchange registered bonds for coupons bonds or coupon bonds for registered bonds, whether said bonds have been heretofore or may be hereafter issued. But no such loans shall be contracted for the use of the said town until the same shall have been first authorized by a majority of the qualified voters voting and three-fifths of the freeholders voting at any election to be held by the direction of the mayor and council for the purpose of ascertaining the sense of the voters of the town concerning such loan: provided, however, that the debt of the town shall not at any time exceed the limit prescribed by section one thousand and thirty-nine of the code. All bonds heretofore issued by the town of Bedford City under said act of March third, eighteen hundred and ninety, whether registered or negotiable coupon bonds, and all such bonds made in pursuance of said act, but not already issued, are declared valid.

2. This act shall be in force from its passage.

CHAP. 266.—An ACT to amend and re-enact section 10 of an act, approved January 1, 1890, entitled an act to incorporate the Portsmouth and Smithfield railway company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section ten of an act entitled "an act to incorporate the Portsmouth and Smithfield railway company," ap-

proved January first, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 10. The said company is required to commence the construction of its road within two years and complete the same within five years from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 267.—An ACT to authorize the school trustees of New Garden district, in Russell county, to sell certain school property in said district.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the trustees of the public schools for New Garden district, in the county of Russell, be, and they are, authorized and empowered to sell the public school-house and lot on which it stands at Sword's creek, and also the school-house and lot on Kent's ridge on which it stands, in said district, to the highest bidder, after having given such notice as seems best by them, and the clerk of the board shall convey the same to the purchasers. The proceeds of said sale shall go into the school fund of the said district.

2. This act shall be in force from its passage.

CHAP. 268.—An ACT to amend and re enact an act to incorporate the Virginia and Kentucky railroad company, approved March 3, 1884, as amended by an act approved November 23, 1884, and an act approved May 12, 1887.

Approved February 16, 1892.

Be it enacted by the general assembly of Virginia, That the act entitled "an act to incorporate the Virginia and Kentucky railroad company," approved March third, eighteen hundred and eighty-four, as amended by an act approved November twenty-second, eighteen hundred and eighty-four, and an act approved May twelfth, eighteen hundred and eighty-seven, be, and the same is, hereby amended and re-enacted so as to read as follows:

1. Be it enacted by the general assembly of Virginia, That James B. Ley, J. D. Blair, A. V. Sims, William Diefendal, L. C. Berkeley, Jr., Berryman Green, R. A. James, J. L. Hurt, M. P. Jordan, H. F. Vass, W. N. Ruffin, George E. Hicks, B. E. Hicks, J. T. Watson, George W. Swain, C. H. Conrad, F. X. Burton, H. R. Scott, R. L. Wolfolk

J. F. Rison, J. G. Friend, Virginia real estate investment company, and such other persons and corporations as they may associate with them, and their successors and assigns, shall be, and they are hereby, constituted and ordained a body corporate and politic by the name of the Atlantic Coast and Northwestern railroad company; and by that name shall have all the powers, rights, privileges, and franchises convenient or necessary to locate, construct, maintain, equip, and operate a railroad, to be known as the Atlantic Coast and Northwestern railroad, from some point in Patrick, Henry, or Pittsylvania counties, thence crossing the Norfolk and Western railroad between Dublin, in Pulaski county, and Marion, in Smyth county, Virginia, to some point on the Kentucky or West Virginia state lines.

2. The capital stock of the said company shall not be less than one hundred thousand dollars nor more than ten million dollars, to be divided into shares of one hundred dollars each; and whenever one hundred shares shall have been subscribed to, and the sum of ten thousand dollars paid, the subscribers, under the direction of any five of the incorporators hereinbefore named (who themselves shall be subscribers), shall be organized by the acceptance of the following of the above-named incorporators, of the duties of the respective offices, and so forth, of George E. Hicks as director and president, of A. V. Sims as director, vice-president, and general manager, and of William Diefendal, John G. Friend, and J. T. Watson as directors, or may organize the said company by electing a president and board of directors, and by electing or providing for the appointment of such other officers as may be necessary for the control and management of the business and affairs of the said company. Money actually received and expended on the Virginia and Kentucky railroad may be considered as cash paid on the capital stock of said Atlantic Coast and Northwestern railroad company at its face value by the persons or corporations who have already paid money for this purpose: provided, they subscribe to said capital stock.

3. In all meetings of stockholders, each subscriber who shall have paid all calls on his stock theretofore made shall be entitled to one vote for each share of stock held and owned by such subscriber.

4. That the president and directors of said company may enact such by-laws, rules and regulations for the management of the affairs of said company as they may deem proper and expedient, the same being consistent with the constitution and laws of this state and of the United States.

5. That at any time after the passage of this act, any three or more of the aforesaid corporators may open books

at such time and at such place or places as they may elect for the purpose of securing and receiving subscriptions to the capital stock of this company, and it shall be lawful to receive such subscriptions to said stock from any connecting railroad company, or from any mining, manufacturing, or real estate investment company, or from any county or counties in Virginia that may be interested in the construction of said railroad; and the said company may receive subscriptions to the capital stock, and payment, in part or in whole, of such subscriptions, in any property, real or personal, and upon such terms and at such rates and values as shall be agreed upon by the board of directors of the company; and the said company may acquire, by purchase or grant, mineral or other lands at any point within twenty miles of its line of road, or any of its connecting roads, and may dispose of same by deed, or may develop and mine the same.

6. Any county, town, or city along the line of said railroad, or any county, town, or city adjacent to another county through which such line passes, or any county, town, or city benefited by said railroad, may, pursuant to the general laws of Virginia, subscribe to the capital stock of the said railroad.

7. The said company is hereby authorized to subscribe to the capital stock of any connecting railroad company which is not a parallel or competing line, or to any mining, manufacturing, or real estate investment company situated on their own lines or contiguous thereto.

8. That the said company shall have the power to construct, maintain, equip and operate such branch roads as the board of directors may determine to construct, maintain, equip and operate, running from points on its line in any direction: provided any such branch line shall not exceed twenty miles in length.

9. That the board of directors hereinbefore provided for shall consist of not less than five nor more than eleven, and shall be elected by the stockholders at their annual meeting, to be held on such day as the stockholders may direct, and shall continue in office for the term of one year from and after the date of their election and until their successors are elected and accept the duties of the office, and so forth. And in case of death, resignation, or incapacity of any member of the board of directors during his term of office, the said board shall elect his successor for the unexpired term, and in case of the death, resignation, or incapacity of the president during his term of office, then the said board of directors shall elect one of their number to fill the unexpired term, and also elect a member to their board, as hereinbefore provided for, to fill the vacancy occasioned by the election of the president.

10. The said company may, from time to time, borrow such sums of money as may be necessary or convenient for its purposes, and to secure such loans, or for the purposes of sale, may issue its bonds, bearing interest at a rate not exceeding six per centum per annum, and may sell, exchange, or hypothecate said bonds on such terms as its president and board of directors may deem advisable, and may secure said bonds and the interest thereon by deed or deeds of trust or mortgage conveying its property and franchises in whole or in part: provided, however, that a lien of not more than forty thousand dollars per mile of single track on its main line, sidings, and branches shall be created under the authority of this section; and said company may, and it is hereby authorized to, consolidate its line with that of any other railroad company, or lease its lines to or lease the lines of such connecting company whenever and upon such terms as a majority of its stockholders may approve, and to this end full power and authority is hereby granted to such connecting road for that purpose: provided this company always remain a Virginia corporation so far as the right of suing and being sued is concerned. This company, to build up business or develop the adjacent country, or to enhance the value of its own or other interests, may buy, sell, or guarantee bonds, stock, or interests in other corporations, except banks of circulation.

11. The shares of the company shall be deemed personal property, and, as such, assignable and transferable on the books of said company, under such rules and regulations as may be fixed and prescribed by the directors, who shall have power, from time to time, to increase the capital stock of said company, so that it shall not exceed ten million dollars, as aforesaid.

12. The principal office of said company shall be located at its point of crossing the Norfolk and Western railroad, or at such other more convenient place in the state of Virginia as its board of directors may determine.

13. That the said company, by the acceptance of this charter, hereby agrees to pay all taxes, dues, and demands due the state that may hereafter be lawfully passed against it in lawful money of the United States, and not in coupons.

14. This act shall be in force from its passage.

CHAP. 269.—An ACT for the relief of Ferman P. Sweet from the payment of a fine of two hundred and sixty dollars, imposed upon him by county court of Washington county.

Approved February 16, 1892.

Preamble.

Whereas on the twenty-seventh day of June, eighteen hundred and seventy-seven, F. P. Sweet was indicted and tried for the crime of lewd and lascivious cohabitation, and was convicted of said offence, as appears by a copy of the record of said court filed with the petition in the circuit court of Washington county, and was fined the sum of two hundred and sixty dollars; and it further appearing that the said F. P. Sweet is a very old, infirm man, over sixty-one years of age, and is hopelessly insolvent, and from the petition, evidence, and opinion of the judge of the circuit court for Washington county, Virginia, made pursuant to section seven hundred and thirty-eight of the code of eighteen hundred and eighty-seven, and sections following it, relative to the relief from fines, and so forth, that this is a proper case for relief under and pursuant to said statute in such cases provided; therefore,

1. Be it enacted by the general assembly of Virginia, That the said Ferman P. Sweet be, and is hereby, exonerated and relieved from the payment of the said fine of two hundred and sixty dollars, adjudged against him by the county court of Washington county, Virginia, on the twenty-seventh day of June, eighteen hundred and eighty-seven, in the case of the commonwealth against F. P. Sweet upon an indictment for lewd and lascivious cohabitation with one Mary Neely; and the clerk of the county court of Washington county, Virginia, is hereby authorized and directed to mark said judgment and fine satisfied in full as to said fine.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 270.—An ACT allowing treasurer of Goochland county further time for collecting taxes.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That Robert N. Turner, treasurer of Goochland county, be empowered to collect the taxes that remain uncollected in said county for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine and eighteen hundred and ninety, which have not been returned delinquent, by distress or

levy, and the time for his collection of said taxes be extended to January first, eighteen hundred and ninety-three.

2. This act shall be in force from its passage.

CHAP. 271.—An ACT to amend and re enact section 2 of an act to amend the following acts: An act to incorporate the town of Rocky Mount, approved February 17th, 1873; an act to amend the act of February 17th, 1873, approved April 28, 1874, and an act amendatory and re-enacting section 2 of the act approved April 28, 1874, approved March 4th, 1884, so as to enlarge the corporate limits of the town of Rocky Mount.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of an act to amend the following acts: An act to incorporate the town of Rocky Mount, approved February seventeenth, eighteen hundred and seventy-three; an act to amend the act of February seventeenth, eighteen hundred and seventy-three, approved April twenty-eighth, eighteen hundred and seventy-four, and an act amending and re-enacting section two of the act approved April twenty-eighth, eighteen hundred and seventy-four, approved March fourth, eighteen hundred and eighty-four, be amended and re-enacted so as to read as follows:

§ 2. The boundaries of said town for the future shall be as follows, to-wit: Beginning at a pile of rocks and stake north of the Franklin and Pittsylvania railroad, thence south fifty-six, east one hundred and fifty poles three feet, to a small persimmon tree on the fence near C. E. Bernard's fish-pond; thence south twenty-four and one-quarter, east forty-four poles twenty links, to a stake in the meadow about twenty feet from the branch; thence south three and one-half, east one hundred and fifty-eight poles, to a stake and rock pile; thence south eighty-eight, west two hundred and eight poles, to a stake and rock pile near Mrs. Ann E. Saunder's fence; thence north forty-two, west two-hundred and twenty-four poles, to a stake and rock pile north of the Roanoke and Southern railroad; thence north fifty-eight and one-half, east two hundred and thirty-nine and one-half poles, to the beginning. All acts or parts of acts in conflict with this are to that extent hereby repealed.

2. This act shall be in force from its passage.

CHAP. 272.—An ACT to incorporate the People's railway company.

Approved February 16, 1882.

1. Be it enacted by the general assembly of Virginia, That C. C. Duncanson, of Washington, District of Columbia; Charles Sharpe, of Norfolk, Virginia; Lycurgus D. Smith, of Norfolk, Virginia; Walter Sharpe, of Norfolk, Virginia; William A. Young, of Norfolk, Virginia; Hugh E. Garden, of New York City; Parke L. Poindexter, of Norfolk county, Virginia, and John D. Potts, of Richmond, Virginia, or any five of them, their associates and successors, be, and they are hereby, constituted and made a body politic and corporate, under the name and style of the People's railway company, and by that name may sue and be sued, make and enter into contracts and agreements, and shall have all the rights and powers, and be subject to all the restrictions imposed upon joint stock companies and corporations generally, by the statutes of this state, except as hereinafter provided.

2. The capital stock of the said corporation shall not be less than fifty thousand dollars and not more than five hundred thousand dollars, divided into shares of the par value of one hundred dollars each. The above named corporators, or any three of them, are hereby created a commission and authorized to receive subscriptions to the stock of said corporation, and for this purpose may open subscription books in such manner as they may deem necessary, and keep the same open until the minimum amount named shall have been subscribed; thereafter within their discretion, they may call a meeting of the subscribers and organize the company. From time to time, the capital stock may be increased until the maximum amount named shall have been issued. The officers of said corporation may receive stock or bonds of other incorporated companies in payment of the subscription to the capital stock of the said corporation.

3. The said corporation may adopt a common and corporate seal, and such by-laws as its members may see fit, and consistent with the laws of the state of Virginia and the United States. The officers of the said corporation shall be a president, a vice-president, a secretary and treasurer, and five directors, whose terms of office and mode of election and duties shall be prescribed by the by-laws of the said corporation, subject to the general laws of the state.

4. The said corporation may acquire by gift, purchase, or otherwise, and may hold real estate in the city of Norfolk and in the county of Norfolk, such real estate, however, not to exceed at any time, one thousand acres.

It may build and operate upon its lands one or more hotels, and establish health or pleasure resorts upon the same, with all necessary buildings and improvements. It may sell or lease any real or personal property which it may own; may mortgage the same or any portion thereof, and may issue bonds to such amount as its board of directors may think proper, and convey its property or any portion thereof in trust to secure the same. Said corporation may lay off its lands, and ornament and improve pleasure grounds or parks, and may open the same to visitors upon such terms and conditions as it may deem proper to impose. It may adopt suitable rules and regulations for the enforcement of good order in such pleasure grounds and parks, and may charge fees for admission to the same, or to any part thereof.

5. The said corporation shall have the right to construct, equip and operate railway lines, either single or double tract, for the conveyance of passengers, to be propelled by horse, steam, or electric power, along one or more of the following routes:

First. Beginning at the eastern section of Front street, in Atlantic City ward, in the city of Norfolk; thence westwardly along Front street to Second street; thence along Second street to avenue A; thence along avenue A to Colley avenue; thence along Colley avenue to Armistead bridge road; thence along Armistead bridge road and the Bowden's ferry road to Zion's church; thence east along the county road to Church street extended; thence along Church street extended to Centre avenue extended; thence along Centre avenue extended to the Cottage toll bridge road; thence along the Cottage toll bridge road to Saint Julian avenue; thence along Saint Julian avenue to Turner street; thence along Turner street to Dusch property; thence to Park avenue; thence along Park avenue to Brambleton avenue: provided that as to the streets named in Atlantic City ward, beginning at the eastern section of Front street and as far as the cotton factory on Colley avenue, nothing herein contained shall be construed to permit their occupation unless the Suburban and City railway and improvement company shall fail to occupy them within the time and under the authority already granted them by act of legislature and the councils of the city of Norfolk, upon such terms and conditions, and according to such rules and regulations as the councils of the said city shall prescribe; and provided further, that no street railway authorized by this act shall be built within the city of Norfolk upon any street parallel and next adjoining any street or streets now occupied and used by either the Norfolk city railroad or the Suburban and city railway and improvement company, upon which the said Norfolk city railroad or the

Suburban and city railway and improvement company have not the right to lay a double track.

Second. From Zion's church along the Lambert's Point road to Lambert's Point; thence by the most advantageous route to the Lambert's Point knitting mills; thence by most advantageous route to Zion's church.

Third. From the city of Norfolk by the most advantageous route to Willoughby Spit, also west from Park avenue down Princess Anne avenue and the proposed extension of said company and the extension of Granby street to Turner's creek; all of the said proposed routes being located either in the city of Norfolk or the county of Norfolk: provided, that the said corporation shall not have the right to lay down or operate any line of railway in the corporate limits of the city of Norfolk without having first obtained permission to lay its tracks from the councils of the city of Norfolk.

6. The said corporation shall have the right to acquire the lands needed for the said lines of railroad, being strips of land not exceeding one hundred feet in width along each of the said three routes, wherever the said lines of railroad are not upon public roads or streets; and it shall also have the right to acquire at its option the right of way merely over such strips of land needed for its tracks, and it shall have the right to acquire either the fee in such strips of land or a right of way over the same, either by gift, purchase, agreement, or by condemnation: providing it may hold lands acquired for said railway tracks in addition to the one thousand acres which it is allowed to hold by section fourth above.

7. Said corporation may connect any of its railroads with other railroads, or street railroads, running into the city of Norfolk, now existing or hereinafter incorporated, by and with the consent and upon such terms as may be agreed upon with such railroads, or any of them, upon the same terms and conditions as to the consent of the city councils of Norfolk, as hereinbefore expressed. Said corporation may lease or sell the whole or any part of its railroads and appurtenances to any other connecting railroad or street railroad, and may lease or acquire from the owners of such other railroads or street railroad the whole or any part of its railroads or appurtenances.

8. All taxes due the commonwealth by said corporation shall be paid in lawful money of the United States, and not in coupons.

9. The principal office of said corporation shall be in the city of Norfolk, Virginia.

10. This act shall be in force from its passage.

CHAP. 273.—An ACT to incorporate the Richmond and Rappahannock Valley railroad company.

Approved February 16. 1892.

1. Be it enacted by the general assembly of Virginia, That Valentine Hechler, A. G. Babcock, Walter Sydnor, Thomas N. Carter, Phil. W. Lewis, John H. Allen, C. B. Jones, Henry W. Latane, Howard Hathaway, Lloyd T. Smith, and R. M. Neale, or any five of them who may accept the provisions of this act, their associates and successors, are hereby constituted a body corporate and politic by the name of the Richmond and Rappahannock Valley railroad company, and as such may have all the privileges, franchises, and immunities applicable to such a corporation.

2. The said company may construct and operate a standard gauge railroad, either of single or double track, commencing at the city of Richmond, or within seven miles or less of said city, on any other railroad now entering said city with which it may connect, to deep water, at some point on the Rappahannock river or the Chesapeake bay, by the most practicable route, passing through the county of Henrico, the county of Hanover, by Cold Harbor national cemetery, the county of King William, the county of King and Queen, the county of Essex, and such other county or counties of this state as will enable it to reach its terminus on deep water.

3. That the said corporation may acquire by purchase, lease, consolidation, or merger all of the rights, privileges, and franchises of the Richmond and Seven Pines railroad company, or any other railroad company chartered in this state, which, at the time of such purchase, lease, consolidation, or merger, is not operating more than ten miles of its line, on such terms and conditions as a majority of the stockholders of such last mentioned companies or either of them may agree upon: provided that as a condition precedent to such acquisition, the said Richmond and Rappahannock Valley railroad company shall assume all of the outstanding debts and obligations of the railroad company whose rights and franchises are so acquired.

4. That said Richmond and Rappahannock Valley railroad company shall have the right to construct and maintain all necessary bridges across all rivers and streams over which said railroad will pass: provided that said bridges, when necessary, shall be constructed with proper dams, so as not to obstruct navigation.

5. The capital stock of said company shall not be less than one hundred thousand dollars nor more than three million of dollars, to be divided into shares of one hundred dollars each; and subscription to the capital stock of said company may be made by individuals, firms, or corpora-

tions, public or private, and may be paid in money or may be paid in land, bonds, or other evidences of debt, or building material, at such price and upon such terms as may be agreed upon between the subscribers and the incorporators of such company; and said company may receive donations of lands for its roadway or depot grounds and of building material for its construction and equipment, and may hold or dispose of, by sale or otherwise, all real estate so acquired.

6. It shall be lawful for any one or more of the counties through which said railroad shall pass to subscribe to the capital stock of said company, and for the purpose of paying such subscription to issue the bonds of the county in the mode prescribed by law.

7. It shall be lawful, and it is hereby made the duty of the governor of this commonwealth, so soon as satisfactory evidence shall be adduced before him of the organization of the said Richmond and Rappahannock Valley railroad company under this charter, to hire to said company not exceeding two hundred convicts at one time, to be employed in the construction of said road upon such terms and conditions as may be agreed upon with said company, so that there shall be no additional expense or charge to the commonwealth by reason of such hiring over and above their expense by confinement in the penitentiary.

8. That said corporation may borrow money, issue bonds, or other evidences of debt, and secure the same by one or more mortgages, deeds of trust, on its properties, rights, and franchises, or any part thereof.

9. That said corporation may hold all real estate needed for its business or taken in payment of subscription to its stock.

10. That the said corporation shall have its principal office in Virginia.

11. That the construction of said railroad shall be commenced in two years and completed in ten years.

12. And whereas there is located at Cold Harbor, in the county of Hanover, a national cemetery, which is not now accessible by any public mode of conveyance, and it is desirable to have such conveyance; and whereas it is proposed to ask the congress of the United States to aid in the construction of the said Richmond and Rappahannock Valley railroad, it is hereby declared lawful for said company to receive such aid towards the construction of its line as the United States government may provide.

13. That all taxes and dues to the commonwealth from said corporation shall be paid in lawful money of the United States, and not in coupons.

14. This charter may be amended or repealed at the pleasure of the general assembly.

15. This act shall be in force from its passage.

CHAP. 274.—An ACT to incorporate the Berkeley and South Norfolk water and electric light company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That Howard N. Johnson, S. Q. Collins, Joseph T. Tunis, Marcellus Miller, Charles Blevin, L. B. Allen, Foster Black, E. M. Tilley, A. H. Martin, Parke L. Poindexter and F. M. Halstead, and such other persons as they may associate with them, and their successors, are hereby created a body corporate and politic, under the name of the Berkeley and South Norfolk water and electric light company, and are invested with all the powers, franchises and privileges of a corporation, not inconsistent with the laws of the state of Virginia, or of the laws of the United States.

2. The purposes and objects for which said company is incorporated, and which it is authorized to effect, are the construction, on any plan that may be approved, of reservoirs, storage-basins, stand-pipes, force-pumps, engines and any and all the fixtures and appurtenances which may be necessary therefor; the laying of pipes, main and lateral, to convey the water from any source or sources to the town of Berkeley and the village of South Norfolk and the vicinity; and the construction and operation of engines and dynamos and any and all the fixtures and appurtenances necessary for the manufacture and transmission of electric light, and the erection of poles, wires, and other things necessary to convey the electricity from the works to the town of Berkeley and the village of South Norfolk and the vicinity. And for these purposes the said company shall have the rights, privileges and franchises necessary to carry into effect its purposes, objects and intents.

3. The said company is authorized to contract and agree with the owner of any land in Norfolk county, or in the counties adjacent thereto, for the convenient location of any of its works; and in case of a disagreement, or if the owner thereof be a feme covert, under age, non compos mentis, out of the state, or unknown, the said company shall have the right to condemn such lands as may be necessary for the building of its works or any of them, the laying of its pipes or any of them, the erection of its poles and wires or any of them, in the manner prescribed by the forty-sixth chapter of the code of Virginia, edition of eighteen hundred and eighty-seven.

4. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

5. There shall be as many directors for said company as may be fixed by the by-laws, to be elected by the stockholders annually. The persons named in this act, or such of them as may accept the provisions thereof, shall constitute the first board of directors of the said company, and shall continue in office until the first meeting of the stockholders thereof. One of their number shall be chosen as president, and the president and directors may appoint all officers, agents, and employees, and fix their compensation. The board of directors may open books of subscription at such times and places as they see fit. Whenever the sum of twenty-five thousand dollars shall have been subscribed to the capital stock, the said company shall be deemed legally organized.

6. The president and directors of said company may issue, in the name and for the benefit of said company, bonds or certificates of indebtedness, bearing interest not to exceed six per centum per annum, payable semi-annually, and may pledge the property and profits of said company for the payment thereof; and may convert the said bonds or certificates of indebtedness into capital stock of said company, with the consent of the holders thereof.

7. It shall be lawful for the said company to sell and dispose of its water and light, or either, to the town of Berkeley and the inhabitants thereof, to residents in the village of South Norfolk, to other corporations and persons, and to the government of the United States for such time, in such manner, and at such rates as to it shall seem fit, for the benefit of said company.

8. All taxes shall be paid in lawful money of the United States, and not in coupons.

9. This act shall be in force from its passage.

CHAP. 275.—An ACT to amend the charter of the Wythe lead and zinc mine company so as to enlarge its rights and privileges.

Approved February 16, 1892.

Whereas, by act of the general assembly of Virginia approved March twelfth, eighteen hundred and seventy-four, a charter of incorporation was granted to certain persons therein named, under the name and style of the Wythe lead and zinc mine company, and which said charter was afterwards amended by an act approved May twenty-third, eighteen hundred and eighty-seven; and whereas the limited powers and privileges granted to said company by said original and amended acts prevent its working to advantage all its minerals and mineral substances and the products of its land; therefore,

§ 15. Be it enacted by the general assembly of Virginia, That in addition to the rights, powers, and privileges heretofore granted said company by the acts aforesaid, it shall further have the right to dig, bore, and mine for all other minerals, ores, and substances, such as iron, manganese, copper, tin, lead, zinc, silver, gold, and so forth, and coal-oil and gas and mineral waters; to reduce and manufacture the same into any form of which it may be capable of assuming by reduction or otherwise; to sell all such ores and metals, coal-oil, gas, and waters in their original or reduced or manufactured form; to open quarries of rock and sell the same, either dressed, undressed, or in a reduced form; to sell timber and to manufacture the same into any form of which it is capable and then sell it; to erect and operate saw and grist mills, and all such forges, furnaces, foundries, and machinery as may be necessary; to exercise to advantage the powers herein granted, and upon their own premises to build and operate all necessary trams and railroads; and otherwise to do any and all things that an individual may do which may be incidental to the rights and privileges herein granted.

2. This act shall be in force from its passage.

CHAP. 276.—An ACT to incorporate the Savenbunor street railway company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That Samuel E. Wheatley, George T. Dunlop, Frank T. Glasgow, R. R. Witt, Alexander P. Moore and J. P. Moore, or such of them as may accept the provisions of this act, their associates, successors, or assigns, be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of the Savenbunor street railway company, and by that name shall be known in law, and as such are authorized and empowered to locate, construct, maintain and operate a street railway on any streets, or highways, or lands in or in the vicinity of Buena Vista, Rockbridge county, Virginia, for public use for the conveyance of passengers or freight, the same to be propelled by means of horse, steam, cable, electric, or any other power, and to collect tolls and fares on the same.

2. Such street railway shall not be located or constructed except with the consent first had and obtained of the local authorities having control of the streets or highways to be used, but such railway shall not be loca-

ted or constructed except with the consent of and under such regulations as may be imposed by the local authorities having control of the streets or highways to be used ; and where said company desires to use any streets or highways laid out or opened by or at the expense of the corporation of Buena Vista, or under its control, the consent and approval of the corporation of Buena Vista, in writing, under its corporate seal, sanctioned by the proper authorities thereof, must also be previously had and obtained, and the terms and conditions of such consent and approval accepted and complied with ; and if said company shall desire to lay its tracks and operate upon the lands of any person or company, it may do so : provided it first obtains the written consent of said person or company.

3. The road-way and tracks of said company shall be constructed, operated and maintained by it in such manner as not to unreasonably interfere with or obstruct the ordinary use of the streets or highways used by it, and the said company shall at all times keep its road-bed in good order and repair.

4. The said company shall have perpetual succession, have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter and renew the same at pleasure ; and shall have, possess and enjoy all the privileges of a corporation or body politic in the law necessary for the purposes of this act.

5. The capital stock of said company shall not be less than five thousand dollars, and may, from time to time, with the consent of a majority of the stockholders, be increased to an amount not exceeding five hundred thousand dollars, by issue and sale of shares, the par value of which shall not be less than ten dollars, from time to time, under such regulations as the board of directors of said company shall prescribe ; and cash, labor, materials and property, real or personal, may be received in payment of subscriptions to the capital stock, at such valuations as may be agreed upon, and may make such subscriptions payable in such manner or amounts, at such times as may be agreed upon ; and the stock issued may be common, or partly common and partly preferred.

6. Said company shall have power to acquire by lease, purchase, or donation, rights of way, mineral rights, water-power, and real and personal property : provided it shall not hold more than one hundred acres at any one time. It shall have power to contract with other corporations or individuals for materials and power to construct, equip, or operate its line.

7. It shall be lawful for said company to borrow money, or issue or sell its bonds, from time to time, for such sums and upon such terms as its board of directors or stockholders may deem expedient and proper, and to secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, railroads, and franchises, and at any time may make sale of and transfer the same to other corporations or individuals.

8. The persons first named in this act, or such of them as shall accept the provisions thereof, shall have the power and authority of a president and board of directors for the purpose of organizing, and all other purposes, until their successors are elected and qualified, which the stockholders may proceed to do any time after organization of the said company.

9. The said company shall have power to hold stock in other companies and enjoy all the privileges and rights of the other stockholders in such other companies.

10. Upon written notification of the time and place the incorporators named in this act may meet, or such of them as will accept the terms and conditions thereof, and open books of subscription; and may organize said company when five thousand dollars of the capital stock shall have been subscribed and one dollar per share thereon paid.

11. The said company shall be required to commence the construction of said railroad within two years from the passage of this act, or otherwise the powers, privileges, and franchises hereby granted shall be annulled and become void.

12. All taxes and other demands due, or to become due, to the commonwealth of Virginia by said company shall be paid in lawful money of the United States, and not in coupons.

13. This act shall be in force from its passage.

CHAP. 277.—An ACT to authorize the qualified voters of Prince William county to vote on the question of the removal of the court-house from Brentsville to Manassas; to authorize the town of Manassas to issue bonds, and also directing the board of supervisors of the said county to levy a special tax, and issue bonds in case such removal be agreed to by a majority of the voters of said county.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the officers charged with conducting elections in the county of Prince William to hold an election on the first Saturday in August, eighteen hun-

dred and ninety-two, for the purpose of taking the sense of the qualified voters of the said county upon the question of removing the location of the county court-house of said county from Brentsville to Manassas. A separate ballot-box shall be provided at each voting precinct, in which shall be deposited the ballots of the then qualified voters who shall desire to vote on the question of the said change of location. The said ballots shall be either "For Brentsville" or "For Manassas." Each ballot which shall have written or printed thereon "For Brentsville" shall be counted as a vote against the said change of location, and each ballot which shall have written or printed thereon "For Manassas" shall be counted as a vote for the removal of the location of the said court-house from Brentsville to the said corporation of Manassas.

2. The manner of receiving and canvassing the ballots cast at the said election and of making returns of the results thereof shall conform to the general election law of the state so far as applicable thereto. The certificate of the judges of election shall be in the following form or equivalent thereto:

We hereby certify that at the election held this sixth day of August, eighteen hundred and ninety-two, for the precinct of ———, on the question of the change of location of the court-house of Prince William county, ——— votes were cast for Brentsville, and ——— votes for Manassas.

G. H.,	} Clerks.	A. B.,	} Judges.
J. K.,		C. D.,	
		E. F.,	

The commissioners of election shall canvass the returns according to law, and shall make an abstract showing the number of votes for and against the said change of location cast at each precinct, and the total number of votes for and against said change in the county. If, from said returns and abstracts duly made, it shall appear that a majority of all the votes cast were for Manassas, the said corporation of Manassas shall be the place of holding the courts of the said county and for conducting all the other business of said county usually conducted at a court-house, so soon as a suitable site is selected within the said corporation and suitable county buildings are erected thereon and received by the commissioners hereinafter named. The said commissioners shall have plans and specifications prepared for a court-house, clerk's offices, and jail—the court-house and clerk's offices to be in one building, and the jail in a separate building—and shall receive sealed proposals to donate suitable sites for said buildings.

3. The following persons shall constitute a commission to carry out the provisions of this bill, to-wit: Each of the supervisors of the said county; also Henry F. Lynn

Colonel Edmund Berkeley, L. A. Marsteller, John A. Brawner, John T. Leachman, James E. Herrell, John G. Taylor, John Rennoe, John Clark, William R. Selectman, James V. Nash and Ernest Lindsey, or such of them as may then be living, and shall accept the trusts and duties imposed by this bill. They shall meet at Manassas on the fifteenth day of September, eighteen hundred and ninety-two, and after being duly sworn to perform their said duties solely with reference to the best interests of the county, shall organize by choosing a chairman and secretary, and then examine the sites offered, and select from among them the site, in their judgment, most suitable for the said county buildings, which site aforesaid, shall be conveyed to the county by and approved by the attorney for the commonwealth. The said commission shall, after agreeing upon the plans and specifications aforesaid, let out to the lowest responsible bidder, the building of the said court-house, clerk's offices and jail, the cost thereof, however, not to exceed the sum of fifteen thousand dollars, including the sum given by the corporation of Manassas, and that realized from obligations as hereinafter set forth, amounting to not less than five thousand dollars actually guaranteed. When the said buildings are completed, the commission aforesaid shall assemble, and so soon as they determine that the buildings aforesaid have been erected in substantial accordance with the plans and specifications agreed on, they shall receive the same on behalf of the county, and the record of their action shall be filed in the office of the county clerk of the county.

4. When the said commission shall have decided on the plans and specifications, which specifications shall embrace walls of brick or stone, and fire-proof clerk's offices, the erection of the said buildings shall be completed within two years from the vote for such removal: provided, if any provision of this act be the subject of litigation, then the period of completion shall be within two years from the final conclusion of such litigation.

5. The council of the town of Manassas is hereby authorized to issue bonds, to run not exceeding ten years, to the amount of three thousand dollars, the proceeds thereof to go to aid in the erection of the public buildings aforesaid (provided the vote be in favor of removal to the said corporation), and shall dispose of the same at not less than par value, the said proceeds to be paid over to the treasurer of the said county of Prince William; and it shall be the duty of the said council to levy a special tax, not to exceed fifty cents on the one hundred dollars' worth of real and personal property within the said corporation, per annum, and to continue the same annually until said bonds are fully paid; which said tax shall be used only in

payment of the said bonds and the interest thereon; and the said corporation shall have the right to redeem the said bonds at any time before maturity. And said council is authorized to receive from private persons contributions in money or by obligation, said obligations to be payable to Prince William county, to be collected by the said council, and when collected to be paid to the said treasurer as aforesaid; said contributions to be subject to the conditions of removal as aforesaid.

6. To further carry out the provisions of this act, it shall be the duty of the board of supervisors of the said county of Prince William to levy a special tax, not to exceed in any one year ten cents on the one hundred dollars of real and personal property in said county, the first levy hereunder to be made at the first meeting of said board after the result shall be announced in favor of removal, but not otherwise; and the said board is authorized to issue bonds of the said county, not to exceed the sum of five thousand dollars, payable in annual instalments not to exceed five years, said bonds not to be negotiated below their par value; and the said board of supervisors are hereby empowered to carry into full effect all provisions of this act which are not otherwise specially provided for.

7. This act shall be in force from its passage.

CHAP. 278.—An ACT to authorize the sale of certain church property in the county of Rockingham.

Approved February 16, 1892.

Whereas the old school Baptist congregation of Linville's creek, in Rockingham county, Virginia, has become almost extinct; and whereas the church property belonging to said congregation known as Linville's creek old school Baptist church, is not used any longer by said congregation; and whereas it is desirable that some other denomination become the owner of said property and continue the same as a place of worship; and whereas Michael Coffman and Charles T. Acker, are the only two surviving trustees of said church property; and whereas there is an old school Baptist congregation in Brock's Gap, in said county; therefore,

1. Be it enacted by the general assembly of Virginia, That the said trustees are hereby authorized and empowered to sell the said Linville's creek old school Baptist church (consisting of the meeting-house and the land belonging thereto) to any other religious denomination, to be held, kept and used by it as a place of worship,

and to make a proper deed conveying the same to the purchaser, and shall pay over the net proceeds of such sale to the trustees of the church property of the old school Baptist congregation in Brock's Gap, to be used for the benefit of said last mentioned congregation.

2. This act shall be in force from its passage.

CHAP. 279.—An ACT to make the north fork of Holston river, in the county of Washington, between certain points, a lawful fence.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the north fork of the Holston river, in the county of Washington, from the point where the South Atlantic and Ohio railroad crosses the said river, thence up said river to the Kinderhook district line, shall be a lawful fence.

2. This act shall be in force from its passage.

CHAP. 280.—An ACT to amend the 7th section of a bill approved the 3d of March, 1890, to incorporate the Wytheville development company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the seventh section of a bill approved the third of March, eighteen hundred and ninety, to incorporate the Wytheville development company, be so amended as to read as follows:

§ 7. The directors of said company shall be stockholders. Their number shall not be less than five, and they shall be elected by the stockholders in their annual meeting, when a president of the company shall also be elected by the stockholders from the directors, and who shall by virtue of his office be president of the board of directors. They shall serve until their successors are elected, and they may fill any vacancy in the board. For the purpose of organizing said company, the seven persons named in this act shall constitute its board of directors, any four of whom may act. They may receive subscriptions to the capital stock at any time and place without advertising, and when the sum of seven hundred dollars or more is subscribed they shall convene the stockholders and organize said company, and certify such organization on the books of the company, and such certificate, or a copy

thereof, when attested by a notary public, shall be received as evidence of the legal organization of such company.

2. This act shall be in force from its passage.

CHAP. 281.—An ACT to advance the agricultural and industrial interests of the state by providing for the assaying by the state board of agriculture for the benefit of the owners thereof of any minerals found in the state.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the state board of agriculture shall be charged with the assaying, for the benefit of the owners thereof, of any minerals found in this state, and shall have authority to make such arrangements with the board of visitors of the Virginia agricultural and mechanical college at Blacksburg as will secure the most economical performance of this work.

2. This act shall be in force from its passage.

CHAP. 282.—An ACT to incorporate the town of Fairfax, in the county of Fairfax.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the territory in the county of Fairfax within the following-named boundaries is hereby constituted a body politic and corporate under the name of the town of Fairfax: Beginning on the road from Fairfax court-house to Fairfax station at the corner of the lands of Robert Hunter and the late H. W. Thomas; thence with the lines of the Thomas land so as to include all of that tract to the land of A. J. Sagar; thence with the lines of the Sagar land so as to include all of that tract to the land of M. A. Austin; thence with the lines of the Austin land so as to include all of that tract; thence crossing the Little river turnpike road to the land of George R. Brandon; thence with the lines of the Brandon land so as to include all of that tract to the land of F. W. Richardson; thence with the lines of the Richardson land so as to include all of that tract to the land of R. R. Farr; thence with the lines of the Farr land so as to include all of that tract; thence crossing the road from Fairfax court-house to Fall's church to the land of Sally B. Love; thence with the lines of the Love land so as to include all of that tract to the land of J. R. Jones;

thence with the lines of the Jones land so as to include all of that tract to the land of D. M. Chichester; thence with the lines of the Chichester land so as to include all of that tract to the land of John Ellis; thence with the lines of the Ellis land so as to include all of that tract to the land of Alice Bond; thence with the lines of the Bond land so as to include all of that tract to the land of W. T. Rumsey; thence with the lines of the Rumsey land so as to include all of that tract to the land of B. Caufield; thence with the lines of the Caufield land so as to include all of that tract; and thence by a line including the lots of Henry Neal and Chambers, and crossing the first-mentioned road to the place of beginning.

The said territory shall constitute one of the road districts and one of the school districts of said county.

The said town shall be subject to the provisions of the statutes made for the government of towns except in so far as the same may be in conflict with the provisions of this act.

2. The government of the said town shall be vested in a council composed of seven persons who shall be qualified voters and freeholders within the town: provided that any qualified voter whose wife is a freeholder shall be eligible to the office of councilman.

The members of the council shall be elected on the fourth Thursday in May, eighteen hundred and ninety-six, and every four years thereafter, and shall hold office for four years and until their successors are elected and qualified.

Those entitled to vote shall be qualified voters residing permanently in the corporation.

Elections shall be conducted by the town clerk and two members of the council, designated by the mayor. The polls shall be opened at one o'clock and closed at seven in the afternoon. Returns shall be made to the mayor, who shall issue certificates countersigned by the clerk, to those elected. Tie votes shall be decided by lot, and contests shall be tried and finally determined by the mayor pursuant to such regulations as the council may make.

Until the election in eighteen hundred and ninety-six the following named persons shall be the council: Job Hauxhurst, James M. Love, W. P. Moncure, S. R. Donahoe, R. W. Moore, and B. Caufield, who, after taking the usual oath of office before some person authorized to administer the same, shall organize and perform the duties and exercise the powers imposed and conferred by this act. Should any of the said persons fail to qualify within one week after the passage of this act, those remaining shall select other persons to fill the vacancies thus occurring and all vacancies in council or in any of the offices subsequently occurring shall be filled by the council, which

shall also have the power to provide for the discharge of the duties of any office during the temporary absence of the officer. There shall be an annual meeting of the council on the first Monday in July, at which new members shall qualify, and there shall be such other regular and special meetings as the by-laws may prescribe. Four members of the council shall be a quorum.

3. The council shall choose one of its members as mayor, and shall appoint a clerk and sergeant, who shall qualify and execute bonds in the manner prescribed by the council. All officers shall hold their offices at and during the pleasure of the council. No member of the council or other official shall receive any compensation except as hereinafter designated. Policemen and other necessary officials shall be appointed by the council.

4. The council shall have power to define and mark the boundaries of streets; to lay out new streets, alleys and sidewalks; to provide for order and quiet, and the observance of the Sabbath; to plant and protect shade trees; to make regulations in respect to public health; to abate nuisances, and to this end confer on the mayor and sergeant all necessary authority and jurisdiction; to regulate and prohibit the running at large of animals; to license the ownership of dogs, impose a license tax on the owners of dogs not exceeding fifty cents for each dog, and to make provisions for the killing of dogs whose owners fail to procure license and pay the said taxes; to exercise the powers of school trustees over the schools of the corporation, with the right of representation and one vote in the county school board; to exercise the power of road commissioners over the roads and streets of the corporation, and to pass ordinances to carry into effect the objects of the incorporation and promote the general good of the town, and punish their violation by fine and imprisonment.

5. The mayor shall preside over the council, but shall have no vote except in case of a tie. He shall have authority and jurisdiction of, and receive the same fees as a justice of the peace, and he shall, for the purpose of condemning lands for streets and other corporation purposes, have the same jurisdiction now exercised by the county court for condemning lands for public roads, and the council shall make all needful regulations to carry into effect these provisions.

6. The town clerk shall be the custodian of the books and records. He shall make and keep an accurate report of all council proceedings; shall prepare the tax tickets; shall be registrar of voters and clerk of elections, and discharge such other duties as the council may assign him.

7. The town sergeant shall be the executive officer of the council, and shall, besides discharging such other

duties as the council may assign him, have and exercise the authority, and receive the fees of a constable, unless otherwise ordered. He shall be the town treasurer, and as such collect all taxes and fines and disburse the same upon the warrant of the council, signed by the mayor and clerk, and to this end have the same power as the county treasurer. He shall receive as his compensation for collecting the revenue, five per centum on the amount collected. Unless otherwise ordered, he shall be the overseer of roads and streets, and have the same power as an overseer of roads under the special road law of said county, and for his services in this regard he shall receive such compensation as the council may allow him.

8. No district school tax or district road tax shall be levied upon the property within the corporation except by the council. The council may annually levy and collect upon all real estate within the corporation, and all personal property owned by persons residing therein (the assessments made for state and county purposes to be taken as a basis, and not to be departed from), a tax for school purposes not to exceed ten cents on the one hundred dollars' worth of property, and a tax for road and other corporation purposes not to exceed twenty cents on the one hundred dollars: provided that the rate in either case may be increased so as to make the rate equal to but not in excess of any tax hereafter levied in Providence district for district school and district road purposes. The levy for the year eighteen hundred and ninety-two, shall be upon the assessed valuation made for the year eighteen hundred and ninety-one; that for eighteen hundred and ninety-three upon the assessed valuation made for the year eighteen hundred and ninety-two, and so on for each succeeding year. All taxes shall be due and payable May first, and a penalty of five per centum shall be assessed on bills that remain unpaid August first. On or before September first the sergeant shall return a statement of delinquents and make his annual settlement with the council. The council shall make provision and regulations for the sale before the first of January following the return of any real estate returned delinquent.

9. The council shall have the right to expend such funds as it may think proper towards the improvement of roads outside of the corporation limits.

10. The corporation shall have the use of the county jail, whose jailor shall receive and keep all persons duly committed by the proper officers of the corporation, and he shall be paid for the board of such prisoners from the state treasury at like rates as other prisoners and in the same manner. The mayor and council shall have the use of the county court-house as their town house for the transaction of official business, when not otherwise

occupied and used by the circuit and county court judges, board of supervisors, or for other county purposes, which privilege shall in no manner lessen the authority and control over said court-house building as by law established by said court and board.

11. In case the voters of Providence district shall at any election decide to allow license for the sale of intoxicating drinks in the district, yet there shall be no such license granted for such sale within the corporate limits of this town, or within one mile thereof, unless the applicant shall first obtain the consent of the council, in writing, and present the same to the county court.

12. This act shall be in force from its passage.

CHAP. 283.—An ACT to authorize the voters of Botetourt county to vote upon the removal of the court-house of said county.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the judge of the circuit court of Botetourt county, Virginia, upon the petition of one hundred voters of the said county, to order a special election in said county, to be held on the fourth Thursday in May, eighteen hundred and ninety-two, for the purpose of taking the sense of the qualified voters of the said county whether the county site of the said county shall be removed from its present site at Fincastle to the site at or near Buchanan, in said county, hereinafter designated.

2. Upon the presentation to said judge of said petition, accompanied by a certificate of the cashier of some national bank in the state of Virginia, that there has been deposited with said bank twenty thousand dollars in current money of the United States, payable upon the order of the board of trustees hereinafter named, it shall be the duty of said judge, without unnecessary delay, to enter an order, either in court or in vacation, ordering such special election to be held in the said county of Botetourt at the time above specified, which order shall be entered not less than thirty days prior to said election. The said order shall be certified by the said judge to the clerk of the circuit court of said county, to be by him entered on the order book of the said court; and it shall be the duty of the said clerk forthwith to furnish to the sheriff of the said county a copy of the said order; and it shall be the duty of the sheriff of the said county to give notice of the time of holding said election by publication once a week for four successive weeks prior thereto in each newspaper published in the said county.

3. The said judge of the circuit court shall be the custodian of the said certificate of deposit, and after the said election he shall deliver the said certificate of deposit to the board of trustees hereinafter named, in case the result of the election shall be for the removal of the court-house, which said board, a majority of them acting, shall have authority to endorse and collect the said certificate of deposit and apply the money arising therefrom to the construction of the buildings provided for in this act; but in case the result of the election shall be against the removal of the court-house, then the said judge shall return the said certificate of deposit to the cashier of the bank that issued it.

4. Said election shall be superintended and held, returns made and certified, votes canvassed, results ascertained and made known, under the same penalties and subject to the same regulations as prescribed for general and special elections in chapter ten of the code of Virginia, eighteen hundred and eighty-seven, except that the result of said election shall be certified to the judge of the circuit court of the said county. The electors voting at said election who shall favor the removal of said county site from the town of Fincastle to the site to be provided as hereinafter specified, at or near Buchanan, shall deposit with the judge of election of the respective voting precincts a ballot, upon which is written or printed the words, "For removal of the court-house;" and such electors as are opposed to such removal shall, in like manner, deposit a ballot upon which is written or printed the words, "Against removal of the court-house." Each ballot which shall have written or printed thereon, "For removal of the court-house" shall be counted as a vote for the removal of the location of the said court-house from Fincastle to the site specified and described in this act for the new court-house at or near Buchanan. Each ballot which shall have written or printed thereon, "Against the removal of the court-house," shall be counted as a vote against said change of location.

5. It shall be the duty of the said judge of the circuit court of said county upon the receipt of the said certificate of the result of said election, to have the same, either in term time or in vacation, entered in the order book of the circuit court of the said county. And should a majority of the votes cast at said election be for the removal of the court-house, two acres of that block of land designated on the map of a portion of the property of the Central land company, of Buchanan, recorded in deed book fifty-one, page two hundred and forty-two, of the records of said county, as block number ninety-eight, and bounded by Boulevard, Raleigh, Twenty-third street, Dinwiddie avenue and Twenty-fourth street, to be selected and

laid off by the said board of trustees hereinafter named, shall be the place of holding the courts of said county, and for conducting the other business of said county usually transacted at a court-house; so soon as the two acres of the said block of land selected and laid off as aforesaid by the said board, shall have been conveyed to the said county free of cost; by deed approved by the attorney for the commonwealth, and suitable buildings are erected thereon free of cost to the said county, and received by the said board.

6. The following persons, namely: Each of the three supervisors of the said county, the attorney for the commonwealth of the said county, J. Z. Schultz, J. B. Buhrman and John C. Paxton, or so many of them as shall then be residents of the said county, and as shall accept the trust and duties imposed on them by this act, shall constitute a board of trustees, which, having organized by choosing a chairman and secretary and such other officers and agents as they may deem necessary, and having been first sworn to perform their said duties solely with reference to the best interests of the said county, shall have plans and specifications prepared for a court-house, clerk's offices and other necessary offices, and a jail (the jail to be a separate building, the court-house and clerk's offices and other offices to be separate or combined, as the said board of trustees shall deem best, a majority of them acting), and shall approve such plans and specifications as they may think suitable: provided that such plans and specifications will insure better county buildings than those now at Fincastle, the board of trustees, a majority of them acting, shall take immediate steps for the erection of the buildings in substantial accordance with the plans and specifications agreed upon, and to contract for the erection of the said buildings, as aforesaid, and so soon as the said buildings have been so erected and completed they shall receive the same on the behalf of the county, and the record of their action shall be filed in the office of the clerk of the circuit court of said county. A majority of the said trustees who shall accept the trusts and duties imposed on them by this act, shall constitute a quorum and be authorized to discharge the duties imposed by this act.

7. As soon as said buildings shall have been completed and erected, and received by the board of trustees, and the record of their action filed as aforesaid, a majority of them acting, the chairman of the said board of trustees shall forthwith inform the judge of the said circuit court of the said county of the said action of the said board of trustees in receiving the said buildings for the said county; and thereupon it shall be the duty of the said judge of the circuit court of the said county to enter an order forthwith, either in term time or vacation, directing the clerk

of the courts of the said county forthwith to have removed thereto all of the records of said county, and thereafter the same shall be the place of holding the courts of said county and for conducting the other business of said county usually transacted at a court-house. Express authority is hereby given to the judge of the circuit court of the said county, either in term time or vacation, to order the removal of all the public records of the said county from the present clerk's office at Fincastle to the court-house and clerks' offices to be erected under this action the site herein provided. And the said judge shall have under this act power and authority to order the removal as aforesaid of all the deed-books, will-books, and all other public records of the said county to the new court-house and clerk's office specified herein, and as soon as the said judge enters the said order directing the removal of all the public records of the said county, it shall be the duty of the clerk of the county and circuit courts of the said county to have removed at once all of the public records of the said county to the new court-house and clerk's office, on the site aforesaid, provided for in this act. And after the order of the said judge of the circuit court of the said county is made directing the removal aforesaid of all the public records aforesaid to the new court-house and clerk's office aforesaid, it shall not be lawful to hold any court of record of the said county at the present court-house in Fincastle.

8. The buildings provided for in this act shall be built of brick, of good quality, with metal roof.

9. All the buildings provided for in this act shall be erected and conveyed to the said county free of costs to the said county.

10. This act shall be in force from the date of its passage.

CHAP. 234.—An ACT to allow George W. Butts and W. C. Whitney to erect a pier on Chuckatuck creek for the purpose of building a guard-house.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That W. C. Whitney and George W. Butts, of the county of Nansemond, be authorized to erect a pier at the mouth of Chuckatuck creek, on the oyster flats known as Higby's bar, for the purpose of erecting thereon a small house to serve as a guard-house in protecting from depredations oysters planted on said flats: provided, said pier shall not obstruct navigation on said creek or river.

2. This act shall be in force from its passage.

CHAP. 285.—An ACT for the relief of Rappahannock school district, in King George county.

Approved February 16, 1892.

Whereas it appears in taking the last school census of Rappahannock district, King George county, Virginia, serious errors were committed, to the great damage of the school system; and whereas by such errors the people of that district are deprived of the fair benefits of the school system; therefore,

1. Be it enacted by the general assembly of Virginia, That the commissioner of the revenue of King George county be, and is hereby, empowered to take the census of all persons between the ages of five and twenty-one years residing in said district, and shall comply in all respects with the general law of the state in such cases made and provided; and the general law of the state relating to the taking of the census of school population by the clerk of each district school board shall apply to the duties herein imposed upon the said commissioner of the revenue, and the same duties and liabilities are hereby imposed upon the other school officers, which in such cases are imposed upon them by the general law.

2. After the said census has been taken and fully completed it shall be considered as the true census of the district for all school purposes, and shall be the basis for apportioning the school funds according to subdivision nine of section fourteen hundred and thirty-six, code of eighteen hundred and eighty-seven; and the census taken according to the provisions of this act shall stand for all school purposes as if the same had been taken according to the provisions of the general law in such cases made and provided.

3. The said commissioner of the revenue shall receive for his services under this act such compensation as the said district board may deem reasonable: provided, the same shall not exceed the compensation for similar services prescribed in section fourteen hundred and sixty-two, code of eighteen hundred and eighty-seven.

4. This act shall be in force from its passage.

CHAP. 286.—An ACT to authorize the sheriff of Norfolk county to execute process and to serve notices in the city of Portsmouth.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the sheriff of Norfolk county shall have authority

within the corporate limits of the city of Portsmouth to execute all process, original, mesne, or final, issued by the clerk of the circuit court or the clerk of the county court of said county, and to serve all notices of motions, proceedings, or other matter to be made or instituted in either of said courts. And said sheriff shall also have authority within the limits of said city to execute upon any resident of said county, all process directed to him from any other court or from any justice or other person authorized to issue process.

2. This act shall be in force from its passage.

CHAP. 287.—An ACT to allow W. W. Kincheloe, late treasurer of Prince William county, further time in which to collect taxes.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That W. W. Kincheloe, laid treasurer of Prince William county, be empowered to collect the taxes that remain in his hands uncollected for the years eighteen hundred and eighty-eight and eighteen hundred and eighty-nine, which have not been returned delinquent by distress or levy, and that the time for his collection of the said taxes be extended for one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 288.—An ACT to incorporate the Virginia land investment and railway company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That R. C. Marshall, Alfred P. Thom, Albert Young, Norborn C. Lewis, Legh R. Page, George B. Finch, their associates, successors and assigns, be, and they are hereby, created a body politic and corporate, under the name of the Virginia land and investment company, under which name they may sue and be sued, have perpetual succession, and a common seal, and have such other powers and privileges as by the laws of Virginia now in force, are conferred upon joint stock companies.

2. The said company shall be authorized to carry on business for the following purposes or any of them:

First. To purchase mineral and timber lands in this and other states, and to improve, develop, mine, quarry, lease, convey and exchange the same.

Second. To acquire any railroad in this state connecting with any lands or mines acquired by said company.

Thirdly. To purchase, own and hold bonds or other evidences of debt, and shares of the capital stock of any railroad company or companies formed under the laws of this or any other state, and to guarantee the bonds, evidences of indebtedness or capital stock of any railroad company or other corporation of this or any other state; and any corporation of this or any other state may acquire and hold the stock and obligations of said company.

3. The amount of the capital stock with which said company shall commence business shall be two hundred thousand dollars, but said amount may be increased from time to time by vote of the stockholders at any meeting of the stockholders called for that purpose. The capital stock of the company may be issued in classes of preferred and common stock, subject to such terms and with such preferences, conditions and voting power as shall be determined by the stockholders at the time of authorizing the issue thereof, and the amount of any class may be increased from time to time in like manner, unless otherwise provided in the certificates representing stock previously issued. The shares of each class shall be of such par value and entitle the holders to such votes, respectively, as the stockholders in like manner determine.

4. Said company may borrow money and issue bonds or other evidences of indebtedness therefor, and may secure the same by mortgage or deed of trust upon any or all of its property and franchises; and said company may issue and sell its bonds and shares in its capital stock at such prices and on such terms as may be approved by a vote of the majority of the stockholders present at any meeting, and, with like approval, may dispose of the same for lands, mineral and timber rights, contracts of other corporations and securities of the character mentioned in the second section of this act, or of other valuable thing; and any shares of said stock so disposed of shall, for all purposes, be treated as fully paid and exempt from all calls or assessments thereon.

5. The business, property, and concerns of this company shall be managed by a board of directors, consisting of not less than five members, and one of their number shall be chosen as president. The stockholders may adopt by-laws for the management of the stock, property, and concerns of the company, and for the government of its directors, officers, and agents, and they may in and by such by-laws prescribe how the same may be amended or repealed.

6. The principal office of the company shall be in the city of Richmond, in this state, at which the annual general meeting of the stockholders shall be held; but special

meetings of the stockholders and any meeting of the board of directors may be held elsewhere and outside the limits of this state as may be authorized under the by-laws of the company.

7. It shall be lawful for the circuit court of the city of Richmond, upon the petition of the president and board of directors, to order a change of the name of the company, but such change of name is to be made without prejudice to the rights of any creditor or to the due exercise of any of the powers and privileges granted by this act.

8. All taxes and demands due from said company to the commonwealth shall be paid in lawful money of the United States, and not in coupons.

9. This act shall be in force from its passage.

CHAP. 289.—An ACT to incorporate the Virginia water company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That George W. Johnston, Holt W. Page, H. G. H. Tarr, Herbert L. Smith, R. B. Cooke, N. M. Osborne, and W. H. Stewart, and their associates, successors, and assigns, be, and they are hereby, made and declared a body politic and corporate by the name and style of the Virginia water company, and as such may have, exercise, and enjoy all the rights, privileges, powers, and franchises pertaining to corporate bodies and necessary for the purposes of this act.

2. The capital stock of said company shall not be less than ten thousand dollars, divided into shares of one hundred dollars each, and may be increased to any amount not exceeding five hundred thousand dollars, from time to time, as the board of directors of said company may prescribe. The said company may receive subscriptions to its capital stock or payment for its shares so issued in money, land, or other property, in such sums and upon such terms as may be agreed upon or authorized by its board of directors, and said company may give a preference to a portion of its capital stock over the residue thereof as to dividends or the payment thereof.

3. The above-named corporators, or any three of them, may receive subscriptions to the capital stock of said company, and when the minimum capital of ten thousand dollars shall have been subscribed, the subscribers may organize said company by the election of five directors, of whom they shall elect one as president, to remain in office one year and until their successors are elected and

qualified, unless sooner removed by the vote of the stockholders. After such organization the stockholders at any general meeting may change the number of directors and provide for the proper government of the company by adopting such by-laws as they may deem proper. The board of directors may appoint or authorize to be appointed such subordinate officers and agents of the company as they may deem necessary and proper for the conduct of the business of the company. Each stockholder shall be entitled to one vote for each share of stock held by him. There shall be no limit upon the amount of shares of the stock to be held by one person, and four-fifths of the capital stock may become the property of less than five persons without any forfeiture of the chartered rights of the company.

4. The said company is hereby authorized to erect and construct water-works, to acquire, or build, establish and maintain wharves and wet-docks, and to supply to any persons or corporations, and to any of the cities and towns of this state, and to the state or federal governments, water and water-power on such terms as may be agreed upon. The said company may acquire by contract or otherwise, such land and water rights as it may deem necessary from any persons or corporations, and from any sources, within this state, including the waters of Lake Drummond and its tributaries or affluents: provided that any use of the waters of Lake Drummond, its tributaries or affluents, shall at all times be subject to the rights thereto of the Norfolk and North Carolina canal company and its assigns, the successors of the Dismal Swamp canal company. The amount of land to be held by this corporation at any one time, shall not exceed five thousand acres.

5. It shall be lawful for said company to issue and sell its bonds from time to time, for such sums and on such terms as its board of directors may prescribe, in the prosecution of its works and business, and may secure the payment of the principal and interest thereof by deed or deeds of trust upon all or any portion of its property, rights and franchises; and it shall be lawful for said company to subscribe to, acquire and hold shares in the capital stock of any other corporation whenever the board of directors shall deem it expedient to do so.

6. All taxes due by the said company to the state of Virginia upon the property of said company shall be paid in lawful money of the United States, and not in coupons.

7. This act shall be in force from its passage.

CHAP. 290.—An ACT to incorporate the Radford water and light company.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That J. L. Radford, F. J. Kimball, A. A. Phlegar, J. H. Dingee, W. W. Justice, Joseph I. Doran and Charles H. Mellon, or such of them as may accept the provisions of this act, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Radford water and light company, and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal and alter and renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purpose of this act.

2. The capital stock of said company shall not be less than fifty thousand dollars, and may be increased to any amount not exceeding one million dollars, by subscription or by the issue and sale of shares, the par value of which shall not be less than fifty dollars, from time to time, under such regulations and upon such terms as the board of directors of such company shall from time to time prescribe; and the directors may receive labor, supplies and materials, lands, water rights, and other property, real or personal, in payment for subscriptions to the capital stock at such valuation as may be agreed upon between the directors and subscribers.

3. The said company is authorized to furnish and supply on such terms as may be agreed upon water, light, power, and heat, or either or any of them, for all or any purposes whatever to such persons, partnerships, and private, public, or municipal corporations as may desire to use the same, residing or doing business or exercising corporate powers in Montgomery county, or at Radford, Virginia, or in any other town, city, or county adjacent thereto, convenient to its works; to purchase or otherwise acquire, sell, or otherwise dispose of lands and interests in lands requisite for its purposes, or any of them; to provide, locate, purchase, and erect all reservoirs, dams, buildings, structures, and machinery, cables, conduits, wires, pipe lines, and other works necessary or convenient for collecting, storing, furnishing, transporting, and distributing water, light, power, and heat, or either or any of them, with full authority to apply in any form, and use water, electricity, gas, or steam, or any other means applicable for the purpose.

4. The persons first named in this act, or such of them as shall accept the provisions hereof, shall constitute the first board of directors of the said company, and shall continue in office until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting, so many directors shall be elected as may be prescribed by the laws and regulations of said company, who may be removed by the stockholders in general meeting, but unless so removed, shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall at all meetings or elections thereafter be entitled to one vote for each share of stock registered in his name.

5. The board of directors shall be stockholders of said company. They shall appoint one of their number president, and may fill any vacancies that may occur in said board, unless by a removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the minimum amount of capital stock herein named shall have been subscribed, and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of business. The board shall appoint, to hold during its pleasure, the subordinate officers and agents of the said company, prescribe their compensation, and take from them such bonds in security as they may see fit.

6. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located at Radford, or some point within the county of Montgomery, in this state.

7. The annual meeting of the stockholders of the said company shall be held on the first Wednesday in May of each year, or as soon thereafter as practicable, and on such other day and at such other place as the stockholders may, by resolution, adopt at any annual meeting, to take effect at the next annual meeting, prescribe. A general meeting of the stockholders of the said company will be held at any time, as provided for by section eleven hundred and fourteen of chapter forty-seven, title eighteen, of the code of Virginia of eighteen hundred and eighty-seven.

8. The said company shall issue certificates of stock in said company to the subscribers or purchasers thereof in shares of not less than fifty dollars each, signed by the president and countersigned by the secretary of said company. The said certificates shall be transferable upon the books of the company by the said subscribers, their personal representatives, or duly authorized agent or attorney; and the said certificates, when so transferred as aforesaid, may be returned to the said company and cancelled, and new certificates of stock shall be issued in

lieu thereof to the persons entitled thereto to a like number of shares.

9. It shall be lawful for said company to issue or sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper for any of its purposes, and may secure the payment of said bonds by mortgages or deeds of trust, or pledge of all or any portion of its property, contracts and franchises, including its franchises to be a corporation, and may reserve the right to the company, or confer on the holder of any bonds of the company the right, to convert the principal thereof into stock of the company at any time; and it shall be lawful for said company to subscribe to and hold shares in the capital stock of any company or corporation whenever the board of directors of the company shall deem it to its interest to do so, and any joint stock or municipal corporation may guarantee or hold the bonds or the stock of the said company.

10. No stockholder in said company shall be held or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said company for stock subscribed for by said stockholders.

11. The said company, for the purpose of securing or protecting its water supply, or acquiring, locating, constructing, maintaining and operating its works, or any part thereof, for any of its purposes, may by the means provided by the laws of Virginia, for the acquisition of land by internal improvement companies, and upon making due compensation therefor enter upon and acquire by condemnation the lands, easements, rights and privileges required from time to time therefor.

12. All taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

13. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves the right to modify, alter or repeal this act at any time hereafter.

CHAP. 291 —An ACT to authorize Murdaugh and Mayo to erect a wharf on Pagan creek, Isle of Wight county.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That Murdaugh and Mayo be, and are hereby, authorized to erect a wharf in front of their brick-yard, on Pagan creek, Isle of Wight county; said wharf to be sub-

ject to all the laws of Virginia governing all wharves erected in the waters of the commonwealth: and provided, also, that this act shall at all times be under the control of the general assembly, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 292.—An ACT prohibiting the running at large of hogs within a certain district in Prince William county.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any hog or hogs to run at large beyond the limits of their owners' or managers' lands within the following boundary: Beginning at the junction of Cedar and Slaty runs, and running up Slaty run with its meanders of the run to the line of the Virginia Midland division of the Richmond and Danville railroad company; thence along the line of the said railroad company's land to the Fauquier county line; thence with the dividing line of the counties of Fauquier and Prince William to Cedar run; thence down Cedar run and with its meanders to the place of beginning.

2. This act to be in effect sixty days from its passage.

CHAP. 293.—An ACT to allow Major W. Pilchard to erect a wharf, platforms, sheds, and other necessary buildings for conducting the business at Greenbackville, Accomac county, Virginia, adjoining his land.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That Major W. Pilchard, of Worcester county, Maryland, be, and he is hereby, authorized and permitted to erect a wharf, platform, sheds and other necessary buildings for conducting the business at Greenbackville, Accomac county, Virginia, adjoining his land on Chincoteague bay, for the purpose of shipping lumber, cord wood, staves, oysters, clams, fish, and any other commodities to and from the same for himself and others—starting on the land of said Major W. Pilchard at low-water mark on the southwest side of and at the mouth of a small gut or creek, following said low-water mark on the land of said Major W. Pilchard in a southwestwardly direction about three hun-

dred feet to the line of John H. Young, and extending into Chincoteague bay, about a southeast direction a distance of five hundred feet, between parallel lines of about three hundred feet, or the distance from the point of first beginning to the line of said John H. Young, on the southwest; and the said Major W. Pilchard, his heirs and assigns, shall have the right to charge and collect by law, such compensation for the use of said wharf, platforms, sheds and other buildings thereon, or any of them, as may have been agreed upon by and between the parties, or as is usual: provided that the said wharf, platforms, sheds and other buildings shall not interfere with navigation; and provided also, that this act shall at all times be under the control of the general assembly of Virginia, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 294.—An ACT to permit John H. Young and Samuel Peterson to build a wharf at Greenbackville, Accomac county.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That John H. Young and Samuel Peterson, of Accomac county, Virginia, be, and they are hereby, authorized and permitted to erect a wharf, platforms, sheds, and other necessary buildings for conducting the business at Greenbackville, Accomac county, Virginia, adjoining their lands in Chincoteague bay, for the purpose of shipping oysters, clams, fish, and any other commodities to and from the same for themselves and others—starting on the land of said John H. Young, at low-water mark, on the southwest side of and at the line of Major W. Pilchard, following said low-water mark, on the land of said John H. Young, in a southwestwardly direction a distance of one hundred and five feet; thence continuing on the land of Samuel Peterson, on said low-water mark and in same direction, a distance of one hundred and five feet, making the distance from the place of the first beginning a distance of two hundred and ten feet, and extending into the Chincoteague bay about a southeast direction a distance of five hundred feet between parallel lines of two hundred and ten feet. And the said John H. Young and Samuel Peterson, their heirs and assigns, shall have the right to charge and to collect by law such compensation for the use of said wharf, platforms, sheds, and other buildings thereon, or any of them, as may have been agreed upon by and between the parties, or as is usual: provided that the said wharf, plat-

forms, sheds, and other buildings shall not interfere with navigation; and provided, also, that this act shall at all times be under the control of the general assembly of Virginia, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 295.—An ACT to incorporate Old Point lodge, No. 144, independent order of odd fellows.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That Joseph G. Fulton, James Smith, Joseph Kahn, James D. Winnie and M. H. Haas, and such other persons as are and may hereafter be associated with them and their successors, be, and they are hereby, constituted and made a body corporate and politic, by the name and style of Old Point lodge, number one hundred and forty-four, independent order of odd fellows, and by that name and style, shall have all the rights and powers and privileges conferred, and be subject to all the provisions of the laws now in force with regard to corporations.

2. This act shall be in force from its passage.

CHAP. 296.—An ACT to relieve George Ramsay and his surety, Morgan Ramsay, from a judgment imposed by the county court of Franklin.

Approved February 16, 1892.

Preamble.

Whereas it appears from a copy of proceedings had in the circuit court for Franklin county that a judgment was given by the county court of said county, against one George Ramsay and his surety, Morgan Ramsay, respectively, for the sum of one hundred dollars, with costs, upon a scire facias upon a recognizance to keep the peace, alleging a breach of the same by the said George Ramsay; and whereas it further appears that the said Morgan Ramsay and George Ramsay have applied to the circuit court of said county as prescribed by the statute, asking said court to certify to the general assembly of Virginia, the facts in relation to their application for relief, and to give its written opinion as to the propriety of granting the same; and whereas it appears from the opinion of said court that it recommends that the relief prayed

should be granted; and whereas the propriety of this opinion is sustained by the facts; now, therefore,

1. Be it enacted by the general assembly of Virginia, That George Ramsay and his estate, and the said Morgan Ramsay be forever relieved and discharged from the judgment of one hundred dollars given against them, respectively, by the county court of Franklin county; but they shall not be relieved from the costs attending said judgment.

Relieved from a judgment.

Not relieved from costs.

2. This act shall be in force from its passage.

CHAP. 297.—An ACT to amend and re-enact an act approved March 2, 1888, entitled an act to grant the right and privilege for a period of twenty years of occupancy of certain flats and water-fronts on James river upon certain conditions and to more definitely define said flats and water-fronts.

In force February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That an act approved March second, eighteen hundred and eighty-eight, entitled an "act to grant the right and privilege for a period of twenty years of occupancy of certain flats and water-fronts on James river upon certain conditions," be amended and re-enacted so as to read as follows:

2. Be it enacted by the general assembly of Virginia, That H. R. Parker, of the county of Isle of Wight, be granted the exclusive right and privilege for a period of twenty years, from March second, eighteen hundred and eighty-eight, of occupying flats and water-fronts in James river, described as follows: commencing at ordinary low-water mark at the mouth of a small creek or gut on Green's island, being the nearest creek or gut to Cooper's creek; thence north seventy-four degrees ten minutes east, four thousand seven hundred and eighty feet in James river; thence north seventy-nine degrees twenty minutes west, three thousand six hundred and fifty feet up James river; thence south ten degrees ten minutes west, three hundred feet; thence north seventy-six degrees fifty minutes west, five thousand seven hundred and fifteen feet up James river; thence south twenty-one degrees forty-five minutes west, fifteen hundred feet to ordinary low-water mark at the mouth of a ditch or canal (the line between the lands of the said H. R. Parker and Patrick Davis); thence down James river along the line of ordinary low-water to the said creek or gut, the point of beginning; for the purpose of sowing, planting, and propagating oysters, the said H. R. Parker, paying annually to the inspector

H. R. Parker to have right to occupy certain flats and water fronts.

Description.

For purpose of sowing, &c., oysters.

Subject to tax
and restrictions

Quantity of
oysters to be
listed for tax-
ation.

When to mark,
&c., the water
front.

of oysters for the county of Isle of Wight the sum of twenty-five cents per acre for the occupancy of said flats and water front as aforesaid: provided, however, that all oysters or shells planted or sowed on the flats aforesaid shall be subject to tax and restrictions imposed by law upon planted oysters and shells and the planting thereof, prescribed by sections five, sixteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, and twenty-seven of an act entitled an "act for the preservation of oysters and to obtain revenue for the privilege of taking them within the waters of the commonwealth," approved March fourth, eighteen hundred and eighty-four, as amended by the act approved August the twenty-seventh, eighteen hundred and eighty-four: and provided further, that after January first, eighteen hundred and ninety-two, the said H. R. Parker shall list each year for taxation not less than one hundred bushels of oysters for each acre of water-front included in this grant during the time which he holds the same.

3. Be it further enacted, That the said H. R. Parker shall, within six months from the passage of this act, mark and designate the aforesaid water-front by good and sufficient buoys, firmly anchored, to be placed as follows: commencing at starting point and following boundary line as hereinbefore described; one buoy midway from starting point to first angle; one at first angle; one at second angle; one at third angle; one midway from third angle to fourth angle; one at fourth angle.

4. This act shall be in force from its passage.

CHAP. 298 —An ACT to authorize the school trustees of New Garden district, in Russell county, to sell certain school property in said district.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the trustees of the public schools for New Garden district, in the county of Russell, be, and they are, authorized and empowered to sell the public school-house and lot on which it stands, at Old Honaker, in said district, to the highest bidder, after having given such notice as seems best by them, and the clerk of the board shall convey the same to the purchasers. The proceeds of said sale shall go into the school fund of the said district.

2. This act shall be in force from its passage.

CHAP. 299—An ACT repealing chapter 609, session acts 1889-'90, entitled an act authorizing the district school trustees of the various school districts of Buckingham county to appropriate money to build a suitable building or buildings for one or more graded schools at Buckingham court-house, approved March 5, 1890.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That chapter six hundred and nine, of session acts of eighteen hundred and eighty-nine and eighteen hundred and ninety, entitled an act authorizing the district school trustees of the various school districts of Buckingham county to appropriate money to build a suitable building or buildings for one or more graded schools at Buckingham court-house, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 300—An ACT to release George W. Chewning from the payment of fines imposed upon him by the county court of Louisa.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That George W. Chewning be, and he is hereby, released from the payment of two fines, one amounting to one hundred dollars with costs (thirty three dollars and forty-one cents), and the other for one hundred dollars with costs (twenty-four dollars and thirty-one cents), making in the aggregate the sum of two hundred and fifty-seven dollars and seventy-two cents, imposed upon said Chewning by the county court of Louisa on the tenth day of October, eighteen hundred and eighty-seven, upon the charge of two misdemeanors, alleged to have been committed on the same day, consisting in the alleged offences of disturbing religious worship on the — day of —, eighteen hundred and eighty-seven, at a certain William Stanley's wheelwright shop, in said county, where religious services were held on such day.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 301.—An ACT for the relief of James T. Southward.

Approved February 16, 1892.

Whereas James T. Southward, of Hanover county, a Preamble.
member of Woolfolk's battery, army of northern Virginia,

while in the discharge of his duty as a soldier of Virginia, in the war between the states, and while engaged in the battle of Gettysburg, on July second, eighteen hundred and sixty-three, received a gunshot wound which permanently disabled him; and whereas the said James T. Southward has recently been paralyzed so that his disability is as fatal as if he had lost a leg or an arm; and whereas he is in all other respects entitled to the benefits of the act of assembly approved March fifth, eighteen hundred and eighty-eight, providing commutation to soldiers, sailors and marines of Virginia disabled in said war; therefore,

Duty of auditor
of public ac-
counts.

Commutation
to be paid.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to enter the name of said James T. Southward in the list as prescribed and designated in the act approved March fifth, eighteen hundred and eighty-eight, for those who lost a leg or an arm from wounds actually received while in service, and under any similar act that may be passed, and pay to the said James T. Southward the same commutation that is paid to other soldiers who lost a leg or an arm from wounds received in the service, and come under the provisions of that act or similar acts.

2. This act shall be in force from its passage.

CHAP. 302.—An ACT allowing J. Winton Tarter, treasurer of Wythe county, further time for the collection of taxes for the years 1887, 1888 and 1889.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That J. Winton Tarter, treasurer of Wythe county, be allowed to collect the taxes that remain in his hands or in those of his deputies, for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight and eighteen hundred and eighty-nine, which have not been returned delinquent by distress or levy, and that the time for his collection of said taxes be extended to the first day of February, eighteen hundred and ninety-three.

2. This act shall be in force from its passage.

CHAP. 303.—An ACT to amend and re-enact the charter of Suffolk female institute for the purpose of changing the name to Suffolk college.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That the act approved the twenty-fifth day of February, eighteen hundred and eighty, entitled an act to incorporate Suffolk female institute, as amended by an act approved the nineteenth day of January, eighteen hundred and eighty-two, be, and the same is hereby, amended and re-enacted so as to read as follows :

§ 1. Be it enacted by the general assembly of Virginia, That Evelina M. Finney, Sally A. Finney, Martha J. Finney, Fanny T. Finney, and Mary D. H. Finney, and such other persons as may be hereafter associated with them and their successors be, and they are hereby, created, incorporated, and made a body politic and corporate under the name and style of Suffolk college, for the purpose of keeping and conducting a boarding-school of the above name, for girls, and teaching and giving instruction to such girls and other persons as may be committed to their care as pupils at said college, in all the various studies and courses of instruction in modern languages, English or foreign, in ancient languages, in music, in the fine arts, and in all and any matters and things usually prescribed in schools and colleges of the highest grade, with the right and privilege to make and prescribe such rules and regulations as from time to time may seem necessary and proper to them, and to change or alter the same, to enable them to conduct the daily and yearly exercises, and successfully govern and generally promote and carry out the objects, purposes, and plans of said college as a boarding-school for girls and other persons.

§ 2. The said college shall have perpetual succession and a common seal, which it may alter or amend at its pleasure; and may in its corporate name sue and be sued, implead and be impleaded, contract and be contracted with, purchase, hold, and grant estates, real and personal, for its purposes, and make regulations for the government of all persons, things, and property under its authority for the management of its estates, and the due and orderly conducting of its affairs: provided, that said college shall not at any one time acquire and hold real and personal estate exceeding in value the sum of fifty thousand dollars.

§ 3. The said college may have such public and other celebrations, at such times and places, and in such manner and form, as it may deem advisable and proper; and may prescribe the courses, number and kind of studies to be pursued and comprehended by its pupils to entitle

them to certificates of distinction or proficiency, or diplomas of graduation, or other evidences of distinction, proficiency, or graduation, respectively, and may confer and bestow upon its pupils or graduates, such diplomas, certificates, or other evidences of graduation, distinction, or proficiency, as its pupils may acquire in their various studies or employments, according to its regulations and the determination of its teachers, instructors, or other officers, which said diplomas and certificates shall bear the seal of said college and the signature of its principal instructor.

§ 4. The officers of said college shall consist of a principal instructor, and such assistants in the departments of instruction and in the domestic department as may be deemed requisite, to be chosen in such manner and form as it may prescribe.

2. This act shall be in force from its passage.

CHAP. 304.—An ACT relating to the unlawful hunting in the county of Pulaski.

Approved February 16, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill, capture, or offer for sale, or buy any partridges in the county of Pulaski between the first day of February and the first day of November; or at any time to take or destroy the eggs of partridges in said county. Any person violating any provision of this act shall be punished in the manner prescribed by section two thousand and eighty, code eighteen hundred and eighty-seven, under the general law relating to unlawful hunting.

2. This act shall be in force from its passage.

CHAP. 305.—An ACT to amend the charter of the town of Ashland.

Approved February 19, 1892.

Be it enacted by the general assembly of Virginia, That sections one, two, three, and four of the act passed March twenty-ninth, eighteen hundred and seventy-one, entitled an act to amend and re-enact an act approved February nineteenth, eighteen hundred and fifty-eight, entitled an act to incorporate the town of Ashland, in the

county of Hanover, and the act amendatory thereof, approved January eleventh, eighteen hundred and sixty-four, as amended by an act approved April ninth, eighteen hundred and seventy-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the corporate limits of the town of Ashland be extended from the present exterior limits of said town to the following line, to-wit: Beginning at a point on the west line of the Richmond, Fredericksburg and Potomac railroad at the south side of an alley dividing the lands of — Holderby from the land of the Ashland land and improvement company; and thence running westwardly along the south side of said alley to west line of Taylor road; and thence along the west line of Taylor road and James street to Border street; and thence along Border street to Stony run and corporation line; thence along corporation line and Stony run and down the same to the county road near Lankford's crossing; thence along the said road, north side, to its intersection with the Richmond, Fredericksburg and Potomac railroad at Lankford's crossing; thence along west side of said railroad northwardly to a point opposite the southwest corner of Mrs. F. S. Williams' lot, and around said lot to present corporation line; thence northeastwardly along the present corporation line to the southwestern corner of the Oakland tract; thence along the southern line of said tract to the old telegraph road; thence up said road, on its east line, northwardly to the line of C. W. Coleman's (formerly N. R. James' land); thence along the north line of a road called Caroline street, along said Coleman's line and the lines of others, to the lot of Mrs. Caroline A. Scott; thence north around and along said Caroline A. Scott's line to Henry street; and thence along Henry street, east side, as extended, to the northeastern corner of J. W. Blincoe's lot (formerly Stewart Sickler's lot); thence along the line of said Blincoe's lot westwardly to the western side of Richmond, Fredericksburg and Potomac railroad at the beginning; and that the same, as it has been heretofore and may hereafter be laid off into lots, streets, and alleys, be, and the same is hereby, made a town corporate by the name of the town of Ashland, and by that name shall have and exercise all the powers conferred by chapter forty-four of the code of Virginia, so far as the same may be applicable to the government of towns of less than five thousand inhabitants, and not inconsistent with the provisions of this act.

§ 2. The officers of said town shall consist of eleven trustees, who shall compose the council (six of whom shall constitute a quorum to transact business), and a sergeant, and such other officers as the council may appoint. The

said trustees shall hold their offices for two years and until their successors are elected or appointed and qualify. All other officers shall hold their offices for such terms, not exceeding two years, as the council may prescribe. The said council shall have power to pass all by-laws and ordinances for the government of said town that they may deem proper, and to prescribe penalties for the violation of the same, not exceeding fifty dollars for any one offence, and may subject the parent of any minor for any such penalty or fine for any such offence committed by such minor. All such fines or penalties may be prosecuted and recovered, with costs, in the name of said town. The said council shall have all the powers conferred by sections one thousand and thirty, one thousand and thirty-two, one thousand and thirty-five, one thousand and thirty-eight, one thousand and forty-two of the code of Virginia, and by the other general statutes of this state, except so far as may be otherwise provided in this and other sections of the charter of said town. The said council shall have power to provide for keeping its streets in order, for paving the same, and for widening and altering or closing same, and for draining the said town, and for other necessary improvements; and for the purpose of paying the necessary expenses of said town, including the taxes for the schools hereinafter mentioned, the said council shall have power to levy such a tax on all the taxable property in said town as they may deem proper, not exceeding one dollar and twenty-five cents on the hundred dollars in any one year. The said council shall also have power to require labor from all male citizens of said town between the ages of sixteen and sixty years, not exceeding three days in each year, to aid in keeping said streets in order: provided, however, that the said citizens may pay seventy-five cents per day for each day they may be so required to labor, in lieu of rendering said service; and said council shall have power to enforce the performance of such labor by fine. In consideration whereof, the citizens and property of said town are hereby exempted from the payment of one-half of the county levy and from the payment of the county poll tax: provided, that the county levy of Hanover county shall be considered to include, as it does now, the road taxes and poor rates; provided further, that the said town of Ashland shall at its own expense provide for its own poor and keep its streets and roads in order; provided further, that the citizens and property shall be exempted from the payment of any special road tax which may hereafter be levied by said county. The council shall, out of its annual revenues, make such appropriations as it may deem proper to aid in carrying on the public schools of said town, and the trustees of the public

schools in said town shall have no power to require said council to make any appropriations therefor.

§ 3. The council shall elect from their number or from any qualified electors of the town one person to preside at their meetings, who shall be the mayor of the said town, and shall have no vote except when they are equally divided, in which case he shall give the casting vote; and the said council shall also select from their number a president pro tempore, who shall preside over the meetings of the council in the absence of the mayor, and the said president pro tempore, while so presiding, or during the absence, sickness, or other disability of the mayor, shall exercise all the powers of the mayor. The council may be convened at any time upon the call of the president or any three members. The mayor of said town shall be, and he is hereby, invested with the power conferred by sections one thousand and thirty-one and one thousand and thirty-three of the code of Virginia; and it is hereby expressly declared that the mayor of the said town shall be, and he is hereby, invested with the power and authority of a justice of the peace within one mile of the corporate limits of said town, to have and exercise like jurisdiction in all cases originating in said limits that a justice of the peace may now or hereafter have and exercise; and it is hereby made the duty of said mayor, acting as a justice of the peace as aforesaid, to suppress all disturbances, riots, and disorderly conduct within the bounds of said town, and the more effectually to do this he is hereby clothed with power to appoint such police force to aid the sergeant of said town (who shall have control of same under the orders of the mayor) whenever and as he may deem necessary. He shall have power to issue process, hear and determine all prosecutions, cases, and controversies, civil and criminal, arising within one mile of the limits of said town, with like jurisdiction as justices of the peace now have. In all cases whatsoever wherein the fine or other matter or thing shall exceed in value or amount the sum of ten dollars appeals shall be had to the county court of the county of Hanover, in the same manner and upon the same terms as appeals are now taken from judgments of a justice of the peace.

§ 4. The sergeant of said town shall be a conservator of the peace, and for that purpose shall be vested with all the powers of a constable within the corporate limits of said town, and to the distance of one mile beyond, and shall have power to arrest offenders anywhere within said county for offences committed within the said town, or in one mile of its limits, and convey any person to the county jail who may be ordered by the mayor, or the president pro tempore of said council, to be committed, charged with any offence against this commonwealth,

there to be dealt with as if committed by a justice of the peace, and shall be entitled to the same compensation as a constable would be for like services. He shall have control of any special police force that the mayor or president pro tempore may appoint, and of any regular police force authorized by the council. He shall, unless otherwise provided by the council, collect the town taxes, and all fines imposed for violation of the by-laws or ordinances made for the government of said town, and for this purpose shall be clothed with like powers to enforce the same as a sheriff or constable now has. He shall also perform such other ministerial duties as may be imposed upon him by said council, and for his services shall receive a reasonable compensation, to be fixed by the council. The said sergeant shall give bond, payable to the town of Ashland, or to the council of said town, and to their successors, with good security, to be approved by said council, in a penalty of not less than fifteen hundred dollars nor more than three thousand dollars, and conditioned for the faithful discharge of the duties of his office. The said council shall have power to appoint a collector of taxes, if they think proper, who shall give bond in like manner in such penalty not less than fifteen hundred dollars, as the council may prescribe, and with good security, to be approved by the council. Such collector of taxes shall have the powers conferred by section one thousand and forty-four of the code of Virginia.

2. Be it further enacted, That any person applying to the county court of Hanover for license to sell spirituous liquors, wine, beer, ale, or porter, or any mixture thereof, within the corporate limits of the town of Ashland, or within one mile of the corporate limits of the said town, shall produce before the court of the said county a certificate of the council of the said town to the effect that the applicant is a suitable person, and that no good reason is known to the council why the license should not be granted; and the said court shall not grant any license to sell liquors within the said limits until and unless such certificate be given.

3. Be it further enacted, That the said council shall have authority to acquire by purchase or condemnation, all real estate that may be deemed necessary for the purpose of erecting suitable town buildings, market-house and public squares, or streets and alleys, and to purchase all such apparatus, carts, wagons, fire-engines, or other machines necessary for its purposes; and the council may borrow money to pay for any such property and execute its notes or bonds therefor, or may execute any notes or bonds for any deferred payments upon purchasing said property, and the said council shall provide how said notes are to be drawn. The council may also sell any

real estate it now owns or may hereafter acquire when no longer needed for its purposes.

4. Be it further enacted, That it shall be lawful for the council of the said town to borrow a sum of money not exceeding the sum of twenty-five thousand dollars, at a rate of interest not exceeding six per centum, to be expended by said council in improving the streets and drainage of said town: provided, however, that the bonds issued for such money shall not be made payable within less than twenty years from their date; and that it shall be the duty of the council to provide a sinking fund sufficient to pay off said bonds at their maturity: and provided further, that the said council shall not have authority to borrow said sum of money, or any part thereof, until the expediency of said loan shall be submitted to a vote of the voters of said town, at an election to be held for that purpose at such time as the said council may appoint: and provided further, that unless two-thirds of all the votes lawfully cast at such election shall be in favor of such loan, it shall not be lawful for said council to borrow any money under this act.

5. Be it further enacted, That James W. Taylor, Clifton Lee, John G. Tiller, E. M. Delarue, C. B. Jones, G. R. Nixon, and Charles Stebbins, and four other electors of said town, to be chosen by them, shall constitute the council of the said town until July first, eighteen hundred and ninety-two, and thereafter until their successors are elected or appointed and qualified.

6. This act shall be in force from its passage.

CHAP. 306.—An ACT to incorporate the Southampton, Greenville and Brunswick railway.

Approved February 19, 1892.

1. Be it enacted by the general assembly of Virginia, That E. C. Gates, Bradley L. Eaton, R. R. Sizer, R. H. Dobyns, J. F. Stewer, J. P. Thomas, and John A. Arringdale, and such other persons and corporations as may be associated with them, shall be, and they are hereby, constituted and declared to be a body politic and corporate by the name, style, and title of Southampton, Greenville and Brunswick railway; and by that name shall have perpetual succession, and shall be capable of being sued and suing in all courts of law and equity. Said company may have and use a common seal, which it may alter or renew at pleasure, and may make and adopt ordinances, by-laws, and regulations not inconsistent with the provis-

ions of this act, the laws of this state or of the United States, for the government of its officers and agents and the proper conduct of its affairs.

2. That the company created by this act shall be, and it is hereby, authorized and empowered to locate, construct, maintain, equip, and operate a railroad of one or more tracks, of a gauge of three feet, to commence at an available point on the Nottoway river, within the said county of Southampton, and extend thence by such route as shall be by it deemed most advantageous, through the said counties of Southampton, Greenville, and Brunswick, to such point on the Atlantic and Danville railway company, in Brunswick county, as may be by it considered most eligible, with power from time to time, and either before or after the completion of its principal line of railroad, to locate, construct, maintain, equip, and operate such lateral branches from or extensions of its said main line not exceeding twenty miles in length, as may be determined to be expedient; and with power also to change the said gauge and adopt any other gauge whenever it may be advisable so to do. The said company may commence the construction of its road at any point or points on its contemplated line, and may equip and operate the part or parts so constructed with the like effect as if its whole line was then completed; and said company shall have and possess all necessary powers for constructing and completing the works by this section authorized.

3. That the capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each; and whenever two hundred and fifty shares of said stock shall have been subscribed for and four dollars per share shall have been paid thereon, the organization of the said company may be forthwith completed by the election of directors as hereinafter provided. The said company is authorized and empowered from time to time to issue its bonds to such an amount as it may consider necessary for the purpose of locating, constructing, maintaining, operating and equipping its said railroad and all branches and extensions thereof, and may secure the same by one or more mortgages or deeds of trust on its railroads, franchises and income, and the real and personal estate of said corporation, or such part or parts thereof as may be designated in such mortgages or deeds of trust respectively.

4. That it may be lawful for the said company to connect its line of railroad with that of the Atlantic and Danville railway company, or with the line of any other railroad which may be tapped, reached, or intersected by the line of railroad of the said Southampton, Greenville and Brunswick railway, or any of its branches or extensions by this act authorized, upon such terms and condi-

tions as may be agreed upon by the said last-mentioned company and the company owning and controlling the line of railroad so tapped, reached, or intersected; and it shall be lawful for the said company by this act created to enter into an agreement with the Old Dominion lumber company (a corporation now existing under the laws of this state) for the privilege of using and operating a line of railroad or railroads now operated for lumber purposes within the said county of Southampton, in case it shall be desirable to do so, and the two companies can agree respecting the same.

5. In the construction of its principal line of road, or any branch or extension, the said company is authorized to acquire title to a roadway not exceeding one hundred feet in width, and such additional land for station or terminal purposes as may be needed to accommodate its business. The said company shall also have authority to acquire title to such lands as may be necessary, not exceeding three acres, at its terminus on the Nottoway river for the purpose of locating and maintaining such docks, wharves, and storehouses thereon as may be suitable for the accommodation of all classes of steam or sailing craft, and convenient for the shipping, transporting, and storing of merchandise and other property which is subject to transportation; and the said company is expressly empowered to acquire title to all such lands by purchase, gift, or condemnation. The said company is likewise authorized and empowered to own or charter and run all such vessels, either steam, sailing, or other craft, as may be necessary to develop or accommodate its traffic.

6. The corporation mentioned in section one of this act shall have and possess the power and authority of a president and board of directors for the purpose of organization of said company, and for all other purposes, until a president and board of directors shall have been chosen as hereinafter provided. The acts of a majority of the said corporators shall be valid, and on all questions for their determination a majority thereof shall possess the like powers as if all were present. When two hundred and fifty shares of stock shall have been subscribed for, and four dollars per share paid thereon, as provided by section three of this act, the said corporators, or a majority of them, shall call a meeting of said subscribers at such time and place, and upon such notice, as to them shall seem proper, for the election of a president and board of directors.

7. The affairs of the said company shall be managed and conducted by a board consisting of a president and four directors, or such other number of directors as shall be prescribed by the by-laws. The president and directors shall be chosen by the stockholders, and the president shall be

entitled to a vote at all meetings of the board. There shall likewise be a vice-president, to be chosen by the board from their own number, and a secretary and treasurer (who may be the same person), and such other officers and agents as the board shall determine. The duties of the president, vice-president, secretary and treasurer shall be defined by the by-laws, and the duties and responsibilities of all other officers and agents shall be defined by the board. Annual meetings for the election of a president and directors shall be held at such time and place as shall be designated by the by-laws. A failure in any year to hold such meetings and to elect a president and directors, shall not work a dissolution of the said corporation or affect its legal status or existence, but the president and directors then in office shall continue therein with full power and authority until their successors shall have been duly elected, and with full power to fill any vacancy that may exist in their own number or in the office of president by reason of death, refusal to serve, or disability to perform the duties. The said company, in the construction of its principal line of railroad, or any branch or extension thereof, shall have (subject to the provisions of section one thousand and ninety-four, chapter forty-six, code of Virginia of eighteen hundred and eighty-seven) the power to cross at grade or over or under any other railroad now constructed, or which may be hereafter constructed, and which may be crossed by its line of railroad or any branch or extension thereof; and also the power to bridge with suitable bridges any stream which may be crossed by its said line of railroad, branches or extensions.

9. That the said company shall be, and is, invested with and possessed of all the powers conferred upon railroad corporations by the general laws of this state relating to railway companies, and is subject to all the restrictions of the same not inconsistent with this act.

10. The said company shall commence work within one year, and expend within this state at least forty thousand dollars in and about the construction of its road, branches, or extensions within five years from and after the passage of this act, or otherwise the powers, privileges and franchises by this act granted and conferred shall cease, determine and become null and void.

11. This charter shall at all times be subject to amendment or repeal at the pleasure of the general assembly; and it is agreed that said company takes and accepts this charter of incorporation upon the express-understanding and condition that the said corporation will pay all taxes, dues and demands due the state at any time hereafter in lawful money of the United States, and will not tender or pay coupons therefor.

12. This act shall be in force from its passage.

CHAP. 307.—JOINT RESOLUTION proposing an amendment to the tenth clause of article 1 of the constitution of Virginia, and providing for publishing said amendment, and certifying the same to the next general assembly.

Approved February 19, 1892.

1. Resolved by the senate and house of delegates (a majority of the members elected to each of the two houses agreeing thereto), That the following amendment to the constitution of Virginia be, and is hereby, proposed, and is hereby referred to the general assembly to be chosen at the next general election of senators and members of the house of delegates for its concurrence, in conformity with the provisions of section one of article twelve of said constitution—viz.: Strike out from the constitution of Virginia the tenth clause of article one, which is in the following words: Clause affected.

10. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

And insert in lieu thereof the following:

10. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; but the general assembly may, by law, provide for the trial otherwise than by a jury, of a man accused of a criminal offence not punishable by death or confinement in the penitentiary; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers. Jury trials—
when not allowed.

2. Resolved, That the clerk of the senate or the clerk of the house of delegates, or, if a vacancy happen in both of said offices, the presiding officer of either house of the general assembly, be authorized and required to cause this proposed amendment and these resolutions to be published in one newspaper published in each of the cities of the commonwealth having more than ten thousand inhabitants once a week for three consecutive months previous to the time of choosing the members of the general assembly at the next general election of senators and members of the house of delegates. Publication of
proposed
amendment.

Certificates of
publication to
be transmitted.

3. Resolved, That the clerk of the senate and the clerk of the house of delegates be required to transmit to the general assembly, to be chosen at the next general election of senators and members of the house of delegates, a certified copy of said proposed amendment and of these resolutions, together with certificates of publication by the publishers of the newspapers in which said proposed amendment shall have been published.

CHAP. 308.—An ACT to incorporate the Lanston monotype machine company.

Approved February 19, 1892.

1. Be it enacted by the general assembly of Virginia, That John W. Johnston, Joseph Bryan, J. C. Maben, J. Taylor Ellyson, Norman V. Randolph, Sol. Haas, A. B. Andrews, John H. Flood, Edmund Schaeffer, Tolbert Lanston, William H. Holke, B. F. Cole, W. Clarence DuVall, J. Maury Dove, George Gibson, and M. J. Wine, and such persons as may become associated with them as stockholders in the company hereby incorporated, and their successors, be, and they hereby are, made and constituted a body politic and corporate under the name of the Lanston monotype machine company, and as such shall have all the rights, powers, and privileges, and be subject to all the duties and responsibilities, conferred and imposed by the laws of this state applicable to such bodies politic and corporate, except so far as the same may be in conflict with the provisions of this act.

2. The said company may acquire, secure, own, use, develop, control, and operate inventions, improvements, and patents, useful in the art of printing, and especially the inventions, improvements, and patents of Tolbert Lanston for making, setting, and justifying type mechanically, and all appliances, devices, processes, and improvements therewith connected, or useful in the operation of such inventions, and may sell, grant, assign, and lease or license to others the said inventions, improvements, devices, and processes, or any privilege thereunder or therewith connected; and may make, use, sell, assign, and lease or license to others any and all machines, apparatus, appliances, and devices suitable for, or connected with, the use of such inventions or improvements, or any of them; and said company may acquire, use, and dispose any property, rights, licenses, patents, inventions, or other property suitable for or advantageous to the conduct of the business of the company.

3. The capital stock of said company shall not be less than five hundred thousand dollars nor more than ten million dollars, divided into shares of twenty dollars each. The board of directors of said company may fix the amount of its capital stock at first at any amount not less than five hundred thousand dollars nor more than three million dollars; and after they have fixed the said capital stock, they may increase the same from time to time until the amount of three million dollars is reached; and the stockholders, by the vote of a majority in interest, may increase the said capital stock from time to time above the said three million dollars and until the maximum amount of ten million dollars has been reached. As soon as the minimum amount of five hundred thousand dollars of said capital stock has been subscribed for or issued by the board of directors, the company may commence to carry on its corporate business. The board of directors may sell or otherwise dispose of the capital stock of the company, or any part thereof, or issue it to subscribers at such price and upon such terms and conditions as said board shall from time to time deem advantageous to the interests of the company; and the said board may receive in payment of or in exchange for the stock of the company or any part thereof and in payment of subscriptions thereto money, land, or other property, real, personal, or mixed; leases, options, rights, easements, labor, or services in obtaining subscriptions to the capital stock of the company or otherwise; stock in other corporations, whether chartered in this state or elsewhere; patents, patent rights, licenses, or any concessions or privileges which the board may deem useful to the company. And the said board may issue and use full-paid shares of the capital stock of the company in payment for any such lands, property, rights, labor, services, stock of other corporations, or privileges. The said board may, from time to time, receive subscriptions to the said capital stock either with or without notice by publication or otherwise, as they shall see fit. And the said board may subscribe to, purchase, or otherwise acquire the stock of any other corporation in or out of this state, when they shall deem it advantageous to the interests of this company so to do.

4. The board of directors of this company until otherwise provided by a by-law, shall consist of nine persons, but the number may be increased by a by-law to fifteen. The board of directors for the first year shall consist of the following persons, namely: Tolbert Lanston, John H. Flood, Edmund Schaeffer, William H. Holke, B. F. Cole, W. Clarence DuVall, J. Maury Dove, George Gibson and M. J. Wine, who shall hold their office for one year after the passage of this act and until their successors have been elected and qualified. The board hereby appointed

for the first year, shall elect one of their number president of the company for such first year, whose term of office shall be the same as that above specified for the directors. After the first year the directors and president shall be chosen as provided by the general law of this state. Any vacancy or vacancies occurring in the said board of directors or in the office of president, by death, resignation, or otherwise, shall be filled by the said board. A meeting of the board of directors may be called by the president or by any two members of the board by a notice of the time and place of meeting being mailed to each director a sufficiently long time to enable such director to reach the meeting from his place of residence.

5. The said company shall have power to borrow money and to issue its negotiable notes, bonds, or other securities therefor, and to secure any moneys so borrowed by a deed or deeds of trust or mortgage on its works, property and franchises, or any part thereof.

6. The principal office of said company shall be in the city of Alexandria, Virginia, but the location of said principal office may be changed by the stockholders of the said company to any other place within this state. And the board of directors may establish branch offices elsewhere in or out of this state, as they shall deem it expedient to do so in the conduct of the business of this company.

7. This company may acquire by lease, purchase, or otherwise, the works, property and franchises of any other company which may own or control any invention or improvement applicable to the art of printing, or any rights or interest in any such invention or improvement, and may sue, transfer and assign or lease to any such company its own works, property and franchises, or may consolidate with any such company.

8. If it should be deemed desirable at any time, this company, by the vote of a majority in interest of its stockholders, may change the par value of its stock from twenty dollars to one hundred dollars for each share; and may issue fractional certificates for the purpose of effecting the exchange of twenty dollar shares into one hundred dollar shares. Such fractional certificates shall not be entitled to any vote, but may be funded into one hundred dollar shares.

9. The said company agrees, by the acceptance of this charter, to pay all taxes, dues, and demands to the state of Virginia in lawful money of the United States, and not in coupons.

10. This act shall be in force from its passage.

CHAP. 309.—An ACT to incorporate the town of Jacksonville, in the county of Floyd.

Approved February 19, 1892.

1. Be it enacted by the general assembly of Virginia, That the town of Jacksonville, in the county of Floyd, as the same has been or may be laid off into lots, streets, and alleys, shall be, and the same is hereby, made a town corporate, by the name of the town of Jacksonville; and by that name shall have and exercise all the powers conferred upon towns of less than five thousand inhabitants, and be subject to the provisions of chapter forty-four of the code of Virginia and acts amendatory thereof, as applicable to such towns, so far as the provisions of the same are not inconsistent with the provisions of this act.

2. The boundaries of said town shall be as follows: From the court-house north one-quarter of a mile; same distance south; from the court-house, east, to the southeast corner of Mrs. William Harman's Godbry lot; west to A. T. Howard's barn.

3. The government of said town shall be vested in a mayor and a council of four, who shall be residents of said town, and shall be elected on the fourth Thursday in May, eighteen hundred and ninety-two, and every two years thereafter, by the qualified voters who reside within the corporate limits of said town.

4. The mayor of said town shall preside at the meetings of said council, and shall, in case of a tie vote upon any question, cast the deciding vote. He shall also exercise all jurisdiction, civil and criminal, now by law conferred upon a justice of the peace, and shall preserve peace and good order in said town, and during his absence or inability to act, then his power shall be invested in any one of said council.

5. Captain J. M. Boyd, Doctor John W. Simmons, Judge Z. T. Dobyns and Doctor T. H. Howard shall compose the council, Doctor C. M. Stigleman, mayor, are hereby appointed to serve until the fourth Thursday in May, eighteen hundred and ninety-two, and until their successors shall be elected and qualified according to law.

6. The said council shall, when organized, appoint a sergeant to serve until the fourth Thursday in May, eighteen hundred and ninety-two, and every two years thereafter, appoint a sergeant, who shall be invested with the full power of a constable, within the limits of said town, and also have power to arrest offenders within one mile of said limits, for offences committed therein. He shall collect town taxes and have power to distrain and sell therefor, in like manner as a county treasurer may dis-

train and sell for state taxes; to pay out the money in his hands on the warrant of the mayor and clerk, certifying that it is done by order of the council.

7. The said council shall have power to impose a tax, not exceeding twenty cents on the hundred dollars, for all purposes: provided, however, that said council may impose a further tax, not exceeding forty cents on the hundred dollars, when authorized by a two-thirds vote of all the legally qualified voters of said town.

8. The said council shall also have power to fill any vacancies in the offices of said town, from whatever cause the same may originate. The officers so elected shall hold the office for the unexpired term of their predecessors. Said council for good cause and by its unanimous vote, may remove from office any officers of said corporation.

9. Said council shall have power to pass ordinances to carry into effect the object of this incorporation, and to punish the violation of the same by fine or imprisonment, or both; to provide for order and quiet and the observance of the Sabbath within the corporation; to provide suitable burial places for the dead either within or without the corporation, and to regulate and govern the same.

10. The clerk of the council shall keep a correct record of all the proceedings of the council; shall provide the books and the stationery therefor at the cost of the town, make out the certificates of election; make out a list of property to be assessed, real and personal; also a capitation tax; a tax also on dogs within the limits of corporation; and shall issue tickets for taxes voted by the council; and for said services he shall be allowed annually a certain sum, to be fixed by the council.

11. The real estate shall be assessed according to the last assessment.

12. The council may use the Floyd county jail, and may establish a chain-gang composed of the prisoners of said corporation in said jail who are there in default of payment of their fine and cost, or for their term of imprisonment.

13. The said council shall have power to pass all by-laws and ordinances necessary for the proper government of the said town, not in conflict with the constitution and laws of the state or of the United States, and also to provide for keeping the streets, walks, and alleys in order and paving the same, and other necessary improvements.

14. This act shall be in force from its passage.

CHAP. 310.—An ACT to amend an act entitled an act to incorporate the town of New Market, in the county of Shenandoah, approved December 25, 1872, acts of assembly 1872-'78, in relation to procuring council's certificates to sell beer, wine, liquor, ardent spirits, or any mixture thereof.

Approved February 19, 1892.

1. Be it enacted by the general assembly of Virginia, That any person applying to the county court of Shenandoah county for license to keep a bar-room, or to sell by retail or wholesale, beer, wine, ardent spirits, or liquors of any kind or any mixture thereof, in the town of New Market, in Shenandoah county, or within one mile thereof, shall present before the court of said county a certificate of the council of said town to the effect that the applicant is a suitable person and that no good reason is known to the said council why such license should not be granted; and the court of said county shall not grant any license to sell beer, wine, ardent spirits, or liquors of any kind or any mixture thereof, within the limits above prescribed, unless such certificate is produced before the said court.

2. This act shall be in force from its passage.

CHAP. 311.—An ACT to establish a corporation court for the city of Buena Vista.

Approved February 19, 1892.

1. Be it enacted by the general assembly of Virginia, That there shall be established for the city of Buena Vista a corporation or hustings court, to be held by the judge of said city on the second Monday in each month for a term not to exceed twenty days in each month, but the judge of said court may from time to time change the day on which said court shall commence: provided, that no term shall be held in the month of August.

2. The said court shall have concurrent original jurisdiction to hear and determine all cases at law, and in chancery, respectively arising within said city, except civil causes, to recover property or money not of greater value or amount than twenty dollars, exclusive of interest.

3. The said court shall, within the limits aforesaid, have concurrent jurisdiction to hear and determine all motions, matters and things made cognizable by any statute authorized by law to be done by or in the circuit or corporation courts of the commonwealth.

4. The said court shall, within the limits aforesaid, have the same jurisdiction as the circuit courts, and the same

jurisdiction as the county courts over all offences committed within said limits and within one mile of the corporate limits of said city, and also such jurisdiction over such offences as is conferred by general law upon corporation courts with the last aforesaid courts. The jurisdiction conferred by this section shall be exclusive of all other courts, except that all indictments, presentments, and informations pending in the county and circuit courts of Rockbridge county at the time of the passage of this act, shall be proceeded with in the courts of the said county until the same are finally concluded and ended.

5. The said court shall have exclusive original jurisdiction over all matters of probate and record arising within the limits of the said city on and after the first day of March, eighteen hundred and ninety-two.

6. The said court shall have exclusive original jurisdiction to hear and determine all cases at law or in chancery, and over all matters and things which may become the subject matter of suits or proceedings in court arising under the charter of the said city, or other laws relating thereto, and of all cases of contested elections in said city, except so far as is otherwise provided in said charter.

7. The said court, and the judge thereof in vacation, shall possess the same jurisdiction and powers, and shall perform the same duties as are vested in and imposed upon other corporation courts and the judge thereof by any statute relating to corporation courts or by general law.

8. All cases and proceedings at law or in chancery now pending in the circuit court of Rockbridge county shall be proceeded within said circuit court until the same are finally concluded or ended, unless the same shall be removed to said corporation court by consent of parties in interest.

9. The judge of said corporation court shall receive an annual salary of not less than seven hundred and fifty dollars, nor more than twelve hundred dollars, to be fixed by the council of the city of Buena Vista, to be paid as provided by law; and the said judge shall qualify by taking the oath required by law within thirty days after he receives his commission, said oath to be taken by any notary public or any clerk of any court of record.

10. The said court and the judge thereof shall have the same jurisdiction and powers and shall perform the same duties in summoning and empaneling grand juries and other juries, civil and criminal, as are now by law vested in and imposed on the circuit or corporation courts of this commonwealth and the judges thereof.

11. It shall be lawful for the judge of said court, after he has been qualified, to appoint a clerk, a commonwealth's attorney, a commissioner of revenue and a constable for the city of Buena Vista, and such other officers as he may

be authorized to appoint, and who shall hold their offices until their successors have been elected and qualified. It shall be lawful for the sergeant of the town of Buena Vista to hold his office and serve as sergeant for the city of Buena Vista until his present term of office expires.

12. The said corporation court, or the judge thereof in vacation, shall have general control of the rooms necessary for said court and clerk's offices, and shall have the power to procure such stationery, books, records, furniture and fixtures at such cost as the judge may deem necessary and proper for the use of said court, the same to be paid for by order of the court out of the treasury of said city, except when otherwise provided.

13. All acts and parts of acts inconsistent with this act are hereby repealed.

14. This act shall be in force from its passage.

CHAP. 312.—An ACT to extend the corporate limits of the city of Richmond.

Approved February 19, 1892.

1. Be it enacted by the general assembly of Virginia, That the territory hereinafter mentioned shall constitute a portion of the city of Richmond, in addition to its present territory, to-wit: Beginning at a point where the north line of Broad-street road intersects with the present western boundary line of the city of Richmond; thence along the north line of said Broad-street road in a westwardly direction to the northwest intersection of said Broad-street road with the Boulevard; thence along the western line of the Boulevard to the southwest intersection of the Boulevard with the Grove road; thence along the south line of the Grove road to its intersection with the present western boundary line of the city of Richmond; thence along the present western boundary line of the city of Richmond in a northwardly direction to the point of beginning.

2. Said annexed territory shall be a part of the present Clay ward of the city of Richmond until otherwise ordered by said city.

3. The city council of said city may make such improvements within said territory as it now has power as to the property within its present limits; but no improvement shall be made at the expense of the abutting owners until after allegations shall have been heard.

4. Whenever a permanent improvement of a street or alley within said territory, such as opening, grading, guttering, flagging, curbing, or paving sidewalks and road-beds,

shall be made, whether upon petition of abutting owners or without petition, the city engineer shall ascertain the total cost of such improvements for such street or alley, or so much thereof as may be improved. He shall then apportion the cost at so much per foot abutting upon the streets or alleys, or so much thereof as may be improved, dividing and apportioning the costs among the owners of the abutting lots, and certify the amount thereof in each case, of all the property owners, to the special assessment clerk, who shall make out bills for the same and furnish them to the city auditor, who shall make proper entry thereof on his books, and then place them in the hands of the city collector, to be collected and accounted for in the manner prescribed for the collection of city taxes, and said assessments shall be a lien on said lots until paid: provided, however, that as to any improvement made in Broad-street road, Boulevard, and Grove road, the abutting owners of property within said annexed district shall be charged with the entire cost of improving the sidewalk on which they abut, including guttering, curbing, and flagging, and one-half of the cost of improving the roadway.

5. Repairs and renewals of streets or alleys shall be paid for in such manner as the city may from time to time prescribe as to streets and alleys, respectively, within her present limits.

6. It shall be lawful for the sheriff, or any other collectors of the county of Henrico, to collect and make distress for any public dues or officers' fees which shall remain unpaid by the inhabitants embraced within said annexed territory at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed.

7. The taxes for the year eighteen hundred and ninety-two from the persons or property within said annexed territory shall be due to and collected by the city of Richmond.

8. All acts and parts of acts in conflict with this act are hereby repealed.

9. This act shall be in force from its passage.

CHAP. 313.—An ACT to amend and re-enact section 232, chapter 17, of the code of Virginia, relating to the appointment of directors and surgeon of penitentiary.

Approved February 19, 1892.

Section
amended.

1. Be it enacted by the general assembly of Virginia, That section two hundred and thirty-two, chapter seven-

teen, of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 232. Appointment of directors and surgeon of penitentiary.—There shall be annually appointed by the governor, on the first Monday in January, or as soon thereafter as may be, three persons as directors of the penitentiary, and also a surgeon of the penitentiary, who shall be qualified to act as soon as they have taken the oaths prescribed by law and delivered a certificate thereof, or a transcript as directed by section one hundred and seventy-five. Their terms of office shall be until the first Monday in January following, and afterwards until their successors shall be qualified. Vacancies occurring in either of said offices may be filled by the governor from time to time.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 314.—An ACT to amend and re-enact section 38 of an act approved March 20, 1874, entitled "An act to provide a charter for the city of Manchester," and providing for a special city collector.

Approved February 19, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-eight of an act approved March twentieth, eighteen hundred and seventy-four, entitled "an act to provide a charter for the city of Manchester," be amended and re-enacted so as to read as follows:

§ 38. The treasurer shall collect all taxes and assessments which may be levied by the city, and all other city revenues, and perform such other duties as may be herein prescribed or ordained by the city council. The city council may, whenever in its discretion it deems the same to be proper, elect a special city collector in addition to the city sergeant, who shall hold office during the pleasure of the city council, and shall qualify before the hustings court or the judge thereof in vacation. He shall collect all such city taxes, assessments, and other city revenues, whether the same may have been returned delinquent or not, as the city council may direct the city treasurer to place in his hands for collection; and for that purpose shall have all the powers and authority and be subject to the same liabilities and penalties in relation thereto as are prescribed by law for city and county treasurers in the collection of state and city taxes, so far as applicable, and may be proceeded against for any default in his official duties in the same manner, so far as applicable. He shall pay over to the city treasurer (or into the city treasury, as may be prescribed by ordinance) weekly,

or oftener if he thinks proper, all money which may so come into his hand as collector. Before entering upon the duties of his office as special city collector he shall enter into bond, with securities to be approved by the council, in such amount as the council may prescribe, said bond to be payable to the city of Manchester and conditioned for the faithful discharge of the duties of his office, which bond shall be recorded in the minute-book of the council and the original filed in the office of the city clerk. He shall receive such compensation for his services as the council may prescribe. In addition to his powers of levy he is hereby authorized, upon any of the bills so placed in his hands, which are hereby declared to have the force and effect of executions, to sue out garnishee proceedings in the name of said city of Manchester against any person or corporation before any justice or clerk in any city or county in this state. The provisions of section fifty-two of the city charter of said city making the city sergeant the city collector shall not be applicable to such bills as shall be placed in the hands of said special collector, but the city sergeant shall still collect such bills as the council may provide shall be placed in his hands in accordance with the provisions of section fifty-two of the charter of said city.

2. This act shall be in force from its passage.

CHAP. 315.—An ACT to amend and re-enact sections 4123, 4124, 4152, 4159, 4160, 4161, 4162, 4163, 4164, 4167 and 4173, of chapter 202, code of Virginia, in relation to rules governing the management of the penitentiary.

Approved February 19, 1892.

Sections
amended.

1. Be it enacted by the general assembly of Virginia, That sections forty-one hundred and twenty-three, forty-one hundred and twenty-four, forty-one hundred and fifty-two, forty-one hundred and fifty-nine, forty-one hundred and sixty, forty-one hundred and sixty-one, forty-one hundred and sixty-two, forty-one hundred and sixty-three, forty-one hundred and sixty-four, forty-one hundred and sixty-seven and forty-one hundred and seventy-three, of chapter two hundred and two, be amended and re-enacted so as to read as follows:

Prisoner to
promise obedi-
ence.

§ 4123. Male prisoners to subscribe to rules, and so forth; how refractory, and so forth; convicts provided for; disposition of insane.—Before any male prisoner shall be permitted to labor in the shops, or elsewhere out of his room, he shall make and subscribe such promise of obedience and fidelity to the rules and orders of the

institution, as shall be prescribed by the governor, and it shall be the duty of the superintendent, as far as practicable, to provide suitable employment in separate rooms for the refractory and obstinate, and for those of disordered mind or who for any cause are unfit to be congregated in the shops. If at any time there is reasonable ground to doubt the sanity of a convict, the superintendent shall report it to the governor, who shall order such convict to be brought before the circuit court of the city of Richmond, which is hereby charged with the trial of the fact as to his sanity in the manner provided in section four thousand and thirty-two, and if the jury find him insane, he shall be transferred to one of the lunatic asylums as provided in section sixteen hundred and seventy-two and sixteen hundred and seventy-three, and when restored to sanity he shall be returned to the penitentiary in the manner prescribed in section four thousand and thirty-three.

§ 4124. Male and females to be kept separate; how clothed; infants.—The male and female convicts shall be kept separate from each other, and the males shall have their heads and beards close shaven or shorn once a fortnight, and oftener if need be. Every convict shall be clothed at the public expense in a distinctive uniform for each sex made of coarse material. An infant accompanying a convict mother to the penitentiary or born after her imprisonment therein, shall be returned, on attaining the age of four years, to the county or city from which the mother came, to be disposed of as the county court of said county or the hustings or corporation court of said city may order.

Sexes not to mingle.

Babes of prisoners—provisions for.

§ 4152. Who may enter interior of penitentiary, visitors not to converse with convicts.—The governor, members of the general assembly, ministers of any religious denomination for performing religious service and the officers and others having duties or business therein may go into the interior of the penitentiary. Any person who shall obtain a permit to do so from the governor may also visit the same. The board of directors shall prescribe the time and conditions on which all other persons may enter the interior of the penitentiary. There shall be no conversation between a visitor and a convict unless special license therefor be given by the governor or superintendent.

Visitors—regulations concerning.

§ 4151. Where superintendent may reside, his fuel, etc. His duties.—The superintendent may reside in one of the dwelling-houses on the penitentiary grounds fronting on Belvidere street, and shall be allowed his fuel, water and gas. He shall be the chief executive officer of the penitentiary, and shall direct its internal police and management, subject to the control of the board of directors.

Superintendent—duties of.

Clerks and matrons.

§ 4160. How clerk, assistant clerk and assistant keepers appointed; their oath; matron.—There shall be appointed by the governor, on the recommendation of the board of directors, a clerk of the penitentiary and an assistant clerk, and on the recommendation of the superintendent not exceeding seven assistant keepers, who shall take the oath prescribed by law for public officers. The governor may also, if the board recommend it, appoint a matron of the female department.

Assistant keepers.

§ 4161. Rank and duties of assistant keepers; where first assistant may reside; his fuel, and so forth.—The duties of the assistant keepers shall be prescribed by the superintendent, and they shall be designated and stand in authority as first assistant, second assistant, and in like order. The first assistant may reside in the other of the two houses named in section forty-one hundred and fifty-nine, and shall be allowed his fuel, water, and gas. He shall act in place of the superintendent when he is absent. The duties of the first assistant shall, in his absence, be performed by the second assistant, and in like order, in succession.

Supplies—who to purchase.

§ 4162. The superintendent may purchase material and supplies for penitentiary.—The superintendent shall, with the approval of the board, and under such regulations as it may prescribe, purchase such material and provisions as may be necessary for the institution, of which he shall keep an account showing separately the kind and quantity of material and provisions purchased, and the price thereof.

Moneys—how accounted.

§ 4163. Moneys received to be paid into treasury; how paid out.—He shall, at the end of each month, or oftener if the board direct, pay all money received by him into the treasury, to the credit of the penitentiary fund, and the same shall be paid out on the order of the superintendent, approved by the board.

§ 4164. Monthly report of superintendent.—He shall make a report to the board at its first meeting in each month of his receipts for the hire of convicts, and from any other source, and also of his disbursements during the past month, vouchers for which shall be examined by the board and preserved by the clerk.

Guards—their duties.

§ 4167. Employment of guard; their number and duties; how dismissed; right of guard and officers to carry weapons; absentees.—The superintendent may employ a guard not exceeding forty persons as the interior and exterior guard of the penitentiary, who shall each take an oath faithfully to discharge the duties of his office, and shall perform such duties as the superintendent (subject to the control of the governor) may direct. Any person so employed may be dismissed from service at the discretion either of the board or the superintendent. It shall be

lawful for any officer or guard to carry sufficient weapons to prevent escapes, suppress rebellion, and for self-defence, and to use the same against any convict for such purpose. The superintendent may adopt regulations approved by the board under which leave of absence may be granted to an assistant keeper or member of the guard. If an absentee furnishes satisfactory evidence to the superintendent that his absence was unavoidable from sickness his pay may continue during such absence.

§ 4173. Tasking convicts; how compensation for work done beyond task fixed and paid.—The superintendent, with the consent and advice of the governor, may establish a system of tasking the convicts in the different wards of the penitentiary, when it can be done, and allow to any convict a reasonable compensation for work done beyond his task, which shall be placed to his credit and paid to him when he is discharged from prison; or if he request that a portion or all of it be paid to his family or near relatives, the superintendent may do so at any time during his imprisonment; or if he so desire, it may be paid to him from time to time in provisions or other articles selected from a standing list to be prepared by the superintendent and approved by the board; said articles to be purchased by the superintendent as provided in section forty-one hundred and sixty-two, and charged to the convicts at cost. The amount to be allowed for work done shall be fixed by the superintendent with the approval of the board.

Earnings may be paid to prisoners' families.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 316.—An ACT to provide a new charter for the Roanoke trust, loan, and safe deposit company of Roanoke city, Virginia.

Approved February 19, 1892.

Whereas the Roanoke trust, loan, and safe deposit company was duly incorporated by order of the circuit court of Roanoke county, entered and recorded as provided by law on the thirteenth day of October, in the year eighteen hundred and eighty-three, and an amendment thereto granted by the judge of the said court on the eighth day of January, in the year eighteen hundred and eighty-four; and whereas said company has greatly extended the field of its operations and found that its present charter is not sufficient for its present wants; and whereas said company desires to improve and have its powers enlarged; therefore,

1. Be it enacted by the general assembly of Virginia, That the Roanoke trust, loan, and safe deposit company

be, and is hereby, incorporated and made a body corporate and politic under the general laws of this state, and by the name of the Roanoke trust, loan, and safe deposit company, and that all of its acts heretofore done within the scope of its charter are hereby confirmed and validated. The said company shall have perpetual succession, and have the power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and make and have a common seal, and alter or renew the same at its pleasure; and shall have, enjoy all the rights, powers, and privileges appertaining to corporate bodies and necessary for the purposes of this act.

2. The capital stock of said company shall not be less than two hundred and fifty thousand dollars (\$250,000) nor more than five hundred thousand dollars (\$500,000), to be divided into shares of one hundred dollars (\$100) each.

3. The principal office of said company shall be in the city of Roanoke, state of Virginia.

4. The officers of said company until their next annual meeting of the stockholders thereof shall be as at present, to-wit: P. L. Terry, president; S. W. Jamison, secretary and treasurer; Henry S. Trout, vice-president (who together with Edward Nininger and Joel A. Jamison shall be the directors, a majority of whom shall constitute a quorum), and such other officers and agents as the directors of said company may appoint. Said officers to give bonds in such penalty as shall be fixed by the stockholders in general or special meeting for the faithful performance of their duties. The said officers with the present stockholders of said company shall constitute and compose this corporation, and shall own the stock in the proportion according to their present holdings.

5. The said board of directors shall have the privilege of paying such salary or salaries to the president, vice-president and other officers as to them may seem fit and proper, and the stockholders of said company may, if they deem it wise and proper, pay to the directors of said company an adequate compensation for their services.

6. The board of directors may, in the option of the stockholders, be increased to any number not exceeding nine.

7. The said corporation shall have the general powers and privileges of corporations as the same are declared by the laws of the state of Virginia, and in addition thereto shall have power—

First. To receive moneys in trust and manage the same in accordance with the terms of the trust.

Second. To accept and execute all such trusts, and perform such duties of every description not inconsistent

with the laws of this state as may be committed to it by any person or persons whatsoever, or by any corporation or of any courts of record.

Third. To take and accept by grant, assignment, transfer, devise, or bequest, and hold any real or personal estate or trusts created in accordance with the laws of this state or any other state, or of the United States, and execute such legal trusts in regard to same on such terms as may be declared, established, or agreed upon in regard thereto.

Fourth. The said company is authorized to act as agent for the purpose of transferring, issuing, registering, or countersigning or guaranteeing the certificates of stock, bonds, or other evidences of debt of any corporation, association, municipality, state, or public authority, and of receiving and managing any sinking fund thereof, on such terms as may be agreed upon.

Fifth. To accept from and execute trusts for married women in respect to their separate property, whether real or personal; to act as agent for them in the management of such property, and generally to have and exercise such powers as are usually had and exercised by trust companies.

Sixth. To become security in any case whereby surety may be required for the faithful performance of any trust or office in the discretion of the court: provided that said company shall not be accepted or authorized to become surety on the bond of any public officer.

Seventh. To take, receive, and hold any such parcels of land as may have been a subject of any guaranty or warranty made by the Roanoke trust, loan and safe deposit company, under the powers conferred by its former charter or this charter, and the same to sell, convey, or dispose of as it may deem proper.

Eighth. Said company shall have power and authority to issue, sell, or negotiate from time to time, its bonds, notes, or other evidences of debt, in such form and for such amounts, and payable at such times and places, with or without interest, as the board of directors may determine, and prior or subsequent to the issue, sale or negotiation of the same, may secure the payment thereof by a pledge or conveyance of any of its choses in action, or other personal property, or the real estate of said company, as the board of directors may deem advisable; and in the instrument providing for any such pledge or conveyance, provision may be made for the subsequent substitution of other property, in whole or in part, as security for the payment of said bonds or notes; and if such substitution is made, the lien on said substituted property shall be of like force and effect as if said substituted property shall have been included in said original conveyance,

deed, or mortgage. Said bonds, notes, or other evidences of debt, may be issued in one or more series, and when any of the property of the company shall have been pledged or conveyed to secure the payment of any of said bonds, notes, or other evidences of debt issued or to be issued hereunder, the amount due, or to become due thereunder, shall be a charge upon the property so pledged or conveyed prior to all other debts due by said company not previously expressly charged thereon, and shall be paid from the proceeds of any sale thereof in preference to all such debts.

Ninth. To guarantee owners of real estate, mortgagees, and others interested in real estate against loss by reason of defect of titles, liens and incumbrances, and to guarantee the fidelity of persons holding or to hold places of trust and responsibility.

Tenth. To act as agents for insurance companies for fire, life, and accident, which are or may be authorized to do insurance business in the state of Virginia.

Eleventh. To act as agents in renting and leasing houses, farms and mineral rights, and to collect rents therefor; to sell real and personal property on such terms as may be agreed upon, and to collect the proceeds of such sales; or to negotiate for the sale, lease, or purchase of such property.

Twelfth. To receive and hold on deposit and in trust as security, estate real, personal, or mixed, including notes, bonds, or obligations of states, corporations, partnerships, and individuals, and the same to purchase, collect, adjust, and settle, sell and dispose of, on such terms as may be agreed upon between this company and the party or parties therewith contracted, or otherwise according to law.

Thirteenth. To receive upon deposit and for safe keeping jewelry, plate, stocks, bonds, papers, and other valuable personal property of every description upon such terms as may be agreed upon between the contracting parties.

Fourteenth. To buy and sell for profit, or on commission, or for other compensation, on their own account or for others, coin, foreign and domestic exchange, stock, certificates of debts, shares in chartered companies, bank notes, notes used as currency, or other evidence of debt or credit, either privately or at public auction, and to loan or negotiate loans on real estate, securities, and to guarantee the repayment of the principal or interest thereof, or both, and to receive such compensation therefor as may be agreed upon. Such company shall also have power and authority to subscribe to the capital stock of other joint-stock companies, to hold and vote the same.

Fifteenth. To grant annuities, to receive endowments, and to contract for reversionary payments.

Sixteenth. To receive money on deposit for any person, firm, or corporation, and hold the same subject to check or not; to issue certificates therefor, with or without interest, as the board of directors may determine; to discount or guarantee the payment of promissory notes, bills of exchange, or other evidences of debt, and to conduct and carry on a general banking business.

8. The said company may buy and sell and hold real estate, and build thereon, and otherwise improve the same, but may not at any time hold more than ten thousand (10,000) acres: provided, however, that they may buy real estate in excess of ten thousand acres to protect debts which may be owed to them or which they may have guaranteed.

9. All moneys that have been heretofore or may hereafter be passed to the surplus account shall not be impaired or lessened by the payment or for the payment of dividends.

10. All the assets of every kind and description whatever that may be owned by this company shall be primarily subject to the payment of the debts due by the company other than those that may be due to stockholders of the said company.

11. Whenever any court shall appoint this company a receiver, assignee, guardian, executor, or administrator, or other trustee, or shall order the deposit of any moneys with said company, such court, if it deems it necessary, may from time to time appoint a suitable person or persons to investigate the affairs and management of this company, who shall report to such court the manner in which its investments are made and the security afforded to those by or for whom its engagements are held, and the expense of such investigation shall be defrayed by this company, or the court may, if deemed necessary, examine the officers of the company under oath or affirmation as to the security aforesaid.

12. At any time hereafter, if said company desires to increase the security for those for whom it acts as trustee, it may assign and transfer solvent mortgage bonds or other evidences of debt to the amount of one-tenth of its capital stock to any one or more trust companies in the city of Roanoke, or to three persons to be approved by the judge of the hustings court for the city of Roanoke, in term time or in vacation, which stocks or mortgages or evidences of debt shall be held by said trust company or trust companies, or said persons, as security for the cestuique trustees of said corporation, and subject to sale and disposal upon the order of the hustings or circuit court, if at any time it may be necessary. Upon the assignment of the said mortgages and evidences of debt, the said trust company or trust companies, or persons, shall issue to this

company a certificate of such fact, and this company shall draw all interest upon said mortgages or evidences of debt, and said mortgages or other evidences of debt shall at all times, until said company shall be discharged from such trusts, remain in the hands of said trust company or trust companies, or persons: provided, however, that with the consent of the judge of the circuit court or of the hustings court for the city of Roanoke, granted in term time or vacation, mortgages or evidences of debt of equal value may be substituted for those in the hands of said trust company or trust companies, or said persons.

13. The said company may make such reasonable regulations and by-laws as may be necessary for the carrying out of the powers herein granted, and which may not be inconsistent with the laws of this commonwealth.

14. A stockholders' meeting shall be held annually on the first Tuesday after the second Monday in January for the election of officers and for general purposes, and as much oftener as the officers of the company may require; and at said meetings each stockholder shall be entitled to one vote for each share held.

15. In consideration of the granting of this charter, the said company shall pay all taxes, dues, and other demands whatsoever due by it to the state of Virginia in lawful money of the United States and not in coupons.

16. This act shall be in force from its passage.

CHAP. 317.—An ACT to incorporate the Danville fire insurance company of Danville, Virginia.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That John R. Pace, W. P. Hodnett, G. P. Talbott, R. L. Dibrell, J. D. Spencer, D. A. Overbey, E. G. Mosley, and M. P. Jordan, together with such other persons as may be hereafter associated with them, shall be, and are hereby, constituted and made a body politic and corporate, by the name and style of Danville fire insurance company, of Danville, Virginia, and by that name and style are invested with all the rights and privileges conferred and made subject to all the rules, regulations, and restrictions imposed by the code of Virginia applicable to such corporations and not inconsistent with this act.

2. The capital stock of said company shall not be less than one hundred thousand dollars nor more than two hundred thousand dollars, divided into shares of one hundred dollars each.

3. So soon as the sum of one hundred thousand dollars shall have been subscribed to and paid on the capital stock of said company, the persons named in this act of incorporation, or a majority of them, shall call a meeting of the subscribers by giving five days' notice, by publication in some newspaper published in the city of Danville, Virginia, or otherwise, at which meeting the subscribers may elect not less than seven nor more than eleven directors, and adopt such by-laws and regulations as they may deem necessary for the management and conduct of the affairs of said company. The directors so elected shall constitute the first board of directors, and continue in office for one year and until their successors in office shall be elected.

4. The board of directors shall be elected at every annual meeting, and may be removed by the stockholders in general meeting; but, unless so removed, shall continue in office until their successors shall be elected. The board of directors shall fill any vacancy occurring in said board, unless it be by removal, in which case the stockholders shall fill the same in general meeting. The said board shall appoint from its own body a president and a first and second vice-president; and said board shall appoint, to hold during its pleasure, the subordinate officers and agents of said company, and take from them such bonds with such security as it may deem fit.

5. The said company shall have power and authority to make insurance against any damage or loss by fire or lightning, or by any other liability, casualty or hazard, upon any and every kind of property, real, personal, or mixed, in this State, in the United States or in foreign countries.

6. The said company shall have power and authority to invest its capital stock, moneys, or other funds in bank or other stocks in the purchase of bonds of this or any other state of the United States and the bonds of any incorporated company; to purchase gold and silver coin or bullion, bills of exchange, notes, bonds, stocks, and other evidences of debt; to purchase mortgages, deeds of trust, bills of sale, assignments, and pledges on property, real or personal; to lend money upon real and personal security, upon such time, in such amounts, and to such persons as it may deem best, and to receive the interest therefor in advance; to guarantee the payment of promissory notes, bills of exchange, and other evidences of debt; to rent or sell any real estate or interest therein owned by it; and to hire, sell, or hypothecate any personal property owned by it.

7. The said company shall have power and authority to hold such real estate as shall be necessary for the convenient conduct of its business, and to purchase and sell such real estate as may be necessary to secure and satisfy

debts and claims due it; but it shall not hold more than one million dollars' worth of real estate at any one time.

8. The stockholders of said company shall not be liable for any loss, damage, or responsibility beyond the amount of their stock and undivided profits arising therefrom.

9. In assessing the taxes upon the property of said company the assessed value of the real estate shall always be deducted from the aggregate assessed value of the capital stock.

10. All taxes accruing to the state of Virginia under this charter shall be paid in money, and not in coupons.

11. This act shall be in force from its passage.

CHAP. 318.—An ACT to authorize the mayor and common council of the town of Chatham, in the county of Pittsylvania, to borrow money for public improvements.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That the mayor and common council of the town of Chatham, be, and they are hereby, authorized and empowered to borrow for said corporation, and for the purpose of paving or macadamizing the streets of said town, a sum of money not exceeding five thousand dollars, by the issue and sale of the bonds of said corporation as herein-after provided.

2. Said bonds shall be issued in denomination of five hundred dollars, and bear six per centum interest per annum, said interest to be paid semi-annually on the first of January and the first day of July, by the treasurer of said town. The principal of said bonds shall be payable in twenty years from date, or upon the call of said corporation at any time. Said bonds shall be signed by the mayor of said town and countersigned by the clerk of the common council, and shall be sold and negotiated in such manner as may be prescribed by the said mayor and common council: provided that said bonds shall not be sold or negotiated for less than their par value.

3. In order to provide for the payment of the accruing interest on said bonds and the principal thereof, the said mayor and common council is hereby authorized and empowered to levy and collect a tax not to exceed in amount twenty-five cents on the hundred dollars worth of property, to be known as the public improvement tax, and to be applied exclusively to the purposes of this act.

4. This act shall be in force from its passage.

CHAP. 319.—An ACT to incorporate the Union improvement and land company of Southern Virginia.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That H. W. West, of Cornland, Virginia; W. H. Barclay, and E. T. Harvie, of Philadelphia; Charles Bendheim, of Alexandria, Virginia; George D. Herbert, of Harrisburg, Pennsylvania; R. E. B. Stewart, Wallaceton, Virginia; E. D. Kendred, Roanoke, Virginia; George S. Shackelford, Orange court-house, Virginia; Southy S. Wilkins, Bird's, West Virginia, and such other persons as may hereafter become associated with them, their successors and assigns, are hereby constituted and created a body corporate and politic under the name and title of the Union improvement and land company of Southern Virginia, for the purpose of acquiring, reclaiming, improving, and developing timber land, swamp, waste or other lands, in the state of Virginia or elsewhere.

2. The said corporation shall have the right, power, and authority to have, hold, and enjoy the rights, franchises, and privileges necessary to conduct and prosecute the business for which it is created; and shall be capable in law to purchase property of any kind, and the same receive, hold; and enjoy; to grant, sell, mortgage, and dispose thereof; to issue mortgage bonds upon its franchises, rights, privileges, and property created or to be created in such sums or to such amounts as the said corporation may by its board of directors determine; to issue such other evidences of indebtedness as may be necessary or advisable and the said board of directors may determine; to change the name of said corporation by a majority vote of the stockholders; to consolidate the franchises, rights, privileges, and capital stock with any other corporation or corporations chartered by the state of Virginia, or any other state, or to purchase such other corporation or corporations; to issue capital stock of such consolidated company in place of and in lieu of the capital stock of said corporation; to sue and be sued, plead and be impleaded, contract and be contracted with; to make and have a common seal, and at pleasure to break and alter the same; to do and perform any and all other acts necessary and proper to perfect its organization, construct its works, and operate the same; to make and put in execution such by-laws as it may deem necessary and expedient, not in contravention of the laws of Virginia, for the government of and conducting the business of said corporation, and to have and enjoy all the rights, franchises, privileges, and immunities appertaining to such corporations.

3. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of fifty dollars each: provided, however, that the stockholders may, from time to time, increase said capital stock to such an extent and amount as they may deem to be for the best interests of said corporation, not to exceed five hundred thousand dollars, and the said capital stock may be paid in labor, material, or other property. Each stockholder shall be entitled to one vote for each share held by him, and stockholders may vote by proxy. Elections for officers or for the adoption of any act or resolution, shall be conducted in such manner as such elections are conducted in other corporations chartered under the laws of Virginia, unless otherwise regulated by the by-laws of said corporation.

4. The said corporation shall have the right to erect saw-mills, and lease or operate the same; dwelling-houses, hotels, halls, or other buildings, and rent, occupy, or conduct them; construct sewers and drains for the improvement of the property, and perform any other acts necessary or expedient for the carrying out of the purposes and promoting the interests of said corporation.

5. This act shall be in force from its passage.

CHAP. 320.—An ACT to amend and re-enact section 2959 of the code of Virginia in reference to attachments.

Approved February 20, 1892.

Section
amended.

1. Be it enacted by the general assembly of Virginia, That section twenty-nine hundred and fifty-nine of chapter one hundred and forty-one of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 2959. When and for what attachment may be sued out; by whom issued; the affidavit required; who may make it; grounds for attachment.—If at the time of, or after the institution of any action at law for the recovery of specific personal property, or a debt, or damages for the breach of a contract, express or implied, or damages for a wrong, the plaintiff, his agent or attorney, shall make affidavit, stating that the plaintiff's claim is believed to be just, and where the action is to recover specific personal property, the nature and, according to the affiant's belief, the value of such property, and the probable amount of damages the plaintiff will recover for the detention thereof, and where it is to recover a debt or damages for the breach of a contract, express or implied, or damages for a wrong, a certain sum which (at the least) the affiant believes the plaintiff is entitled to or ought to recover, and stating also the existence, to the best of the

affiant's belief, of one or more of the following grounds for attachment: that the defendant, or one of the defendants—

First. Is a foreign corporation, or is not a resident of this state, and has estate or debts owing to said defendant within the county or corporation in which the action is, or is sued with a defendant residing therein, or that the defendant, being a non-resident of this state, is entitled to the benefit of any lien, legal or equitable, on property, real or personal, within the county or corporation in which the action is, and the word estate, as herein used, shall include all rights or interests of a pecuniary nature which can be protected, enforced, or proceeded against in courts of law or equity; but this provision as to equitable estates and interests so far as amendatory of existing laws shall not apply to attachments sued out before the passage of this act. This section, as so enlarged, shall come under the provisions of section twenty-nine hundred and sixty-four, concerning attachments in equity; or,

Second. Is removing or about to remove out of this state, with intent to change his domicile; or,

Third. Is removing, intends to remove, or has removed the specific property sued for, or his own estate, or the proceeds of the sale of his property, or a material part of such estate or proceeds, out of this state, so that process of execution on a judgment, when obtained in said action, will be unavailing; or,

Fourth. Is converting, or is about to convert, or has converted, his property of whatever kind, or some part thereof, into money, securities, or evidences of debt, with intent to hinder, delay, or defraud his creditors; or,

Fifth. Has assigned or disposed of, or is about to assign or dispose of, his estate, or some part thereof, with intent to hinder, delay, or defraud his creditors: In any such case the clerk of the court in which the action is, shall issue an attachment as the case may require.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 321.—An ACT to incorporate the Beverley club.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That A. C. Gordon, James Bumgardner, junior, Marshall Hanger, W. L. Olivier, M. N. Bradley, William Patrick, Edward Echols, R. W. Burke, and W. B. McChesney, and such other persons as are now associated as the Beverley club, or may hereafter become associated with them, are

hereby constituted a body corporate by the name of the Beverley club, to be located in the city of Staunton, for the promotion of social intercourse and for the purpose of maintaining a library and reading-room.

2. The said corporation shall have power to make and adopt a constitution and by-laws, rules, and regulations for the admission and expulsion of its members and their government, the election of its officers and to define their duties, and for the safe-keeping and protection of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules, and regulations: provided that the same be not inconsistent with the constitution and laws of the United States or of the state of Virginia.

3. The said corporation may purchase, lease, hold, or dispose of any real or personal estate: provided that they shall not hold real estate in excess of five acres of land; and said corporation may borrow money upon its property, both real and personal, and may issue bonds, with interest coupons attached, therefor, and may secure the same by deed of trust, mortgage, or otherwise.

4. All taxes due the commonwealth shall be paid in lawful money of the United States, and not in coupons.

5. This act shall be in force from its passage, and be subject to amendment, alteration, or modification at the pleasure of the general assembly of Virginia.

CHAP. 322.—An ACT to provide for the working and repairing of public roads and bridges in Albemarle county.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Albemarle county shall, subject to the approval of the county court of said county, from time to time, divide the said county into not exceeding six road districts, each containing one or more magisterial districts, and shall, subject to the approval of said court, appoint at their annual meeting, on the fourth Monday in July in each year, a road commissioner for each of said road districts, to hold office for one year, and his term to begin twenty days after his appointment.

2. Such road commissioners shall, within their respective road districts, be charged with the duty of supervising and superintending the working and repairing of public roads and bridges by the road surveyors and other persons whose duty it may be to work and keep in repair such roads and bridges, and he shall examine and direct such working and repairing, and shall examine and report upon

all the accounts and claims presented to such board or court by such road surveyors or persons working such roads as aforesaid, and shall, when directed to do so by said court or judge thereof in vacation, superintend and direct the opening of new roads, or alteration of those in which changes are made, and the erection or repairing of bridges; and shall further discharge such other duties in connection with the working and repairing of such roads and bridges within their respective districts as may be prescribed by said board by and with the approval of said court, or judge thereof in vacation.

3. The said board may from time to time prescribe such plans, specifications, and directions as they may deem best for the working, keeping in order, and repairing the roads and bridges in the said road districts, and may let to contract the working, repairing, and keeping in order of such roads and bridges in any one or more of the road districts, or any part of any of them, subject to such plans, specifications, and restrictions as said board, with the approval of the said county court or judge thereof in vacation, may prescribe, and may assign to any person to whom any such contract is let, the statutory labor and hands, who are properly assignable to the working of any road so let to contract, with the right to enforce such labor on said road in the manner prescribed by law, taking from any such contractor such bond as they may prescribe; and any such contractor may also be appointed as and hold the position of special road surveyor as to such roads and for such time as are embraced in his contract.

4. The judge of said court, in term time or in vacation, may, by and with the consent of said board, by order or resolution spread on their minutes, appoint as many special road surveyors for any one or more of said road districts, or for any portion of any of them, as may be deemed proper, and for such time as may be deemed proper, who may, under the supervision and direction of said judge and of the road commissioner of the district, buy or hire material, teams, implements, and tools, hire labor, and superintend work ordered pursuant to this act; and said special surveyors shall in addition have all the powers and duties of, and be subject to all the penalties imposed upon, other road surveyors according to law; and the pay-rolls, accounts, and vouchers of any such special surveyor shall be by him submitted to the commissioner of the district in which the work was done or expenditure was made, and, if approved by such commissioner, shall be certified to by him to said judge, who, if he approve the same, shall order their payment; and the amount of any moneys to be expended by, or allowed for services to, any such special surveyors, shall be fixed in advance by the said board and a fund provided for their payment. Any

road commissioner may act as such special surveyor, and his accounts as such be settled as aforesaid by the supervisor of the district in which the work was done and the county judge, and their payment ordered by him; any such special road surveyor may be removed from office at any time by said board of supervisors or said county judge.

5. The said road commissioners shall inspect the roads and bridges within their respective districts and make reports on the condition of the same, under oath, to the first day of the July and December courts of said county in each year, which reports shall also show whether the road surveyors within their districts have performed their duty upon their respective roads with regard to working and keeping the same in order, and said reports, if unfavorable to such surveyors, or any of them, shall be laid before the next grand jury of such court, and shall be evidence upon which such grand jury may make a presentment, or find an indictment against any such road surveyor for neglect of duty or malfeasance in office; such reports shall be certified by said court to the said board of supervisors.

6. Every road surveyor of said county shall be authorized to appoint a deputy, in whom all the powers and authority of the principal may be vested.

7. Every person liable to road duty under the general law shall, either in person or by a sufficient substitute, when notified by the proper surveyor, his deputy or agent, attend with proper tools and work the road on such days (not exceeding three in any one year) as the surveyor or his deputy shall direct; for every day in which there may be a failure so to attend and work seventy-five cents shall be paid to the surveyor within thirty days thereafter by the person in default, if of age, or if he be an infant, by his parent or guardian. If the money be not paid as specified, the surveyor shall make out a ticket against the delinquent party for the amount of said fine, with the addition of thirty-three and one-third per centum for costs, which ticket shall be placed by him in the hands of a constable of his magisterial district, or the sheriff of the county for collection: provided, that such delinquent may, after notice to such surveyor, apply to the county court or to the judge thereof in vacation, or to the supervisor of his district, and for good cause shown, have said fine remitted. The officer in charge of said tickets may distrain therefor upon the same property and in the same manner as for taxes and county levies, and he shall pay over to the surveyor all fines collected by him, retaining four-fifths of the costs aforesaid, and one-fifth of such costs shall go to such surveyor.

8. It shall be the duty of every such constable and sheriff, when such tickets shall be tendered him by such surveyor, to receive and give him receipt for the same, and the amount of every such receipt shall be forthwith reported by the surveyor to the road commissioner of his district; and such constable or sheriff shall, during the month of November in each year, return to the road commissioner of the district a list under oath of all such fines as he may have been unable to collect, which list shall be by such commissioner submitted to the supervisor of the district, and the same, so far as approved by him and by the said commissioner, shall be returned by them to the clerk's office of the county court of said county, on or before the first Monday in January in each year, and the amount so approved and returned shall be a credit to said constable or sheriff on his list. Said constable or sheriff shall, when he returns such lists to said road commissioner, also exhibit to him all his receipts for moneys paid over to such surveyors, and the commissioner shall proceed to ascertain what balance, if any, may be due by such constable or sheriff, after crediting him by his receipts and his delinquent lists approved as aforesaid. Such balance shall be recoverable on motion, after ten days' notice, in the county court of said county against such constable or sheriff and his sureties on his official bond, which motion shall be in the name of the county, and shall be prosecuted by such road commissioner, and it shall be the duty of the commonwealth's attorney of the county to conduct such prosecution and give the proper notice when thereunto requested by such commissioner. Moneys recovered upon any such motion shall be received by the said commissioner and turned over to the proper road surveyor, to be expended upon his road, and all moneys received on account of fines by any such surveyor (less such costs as he may be entitled to as aforesaid) shall be so expended by him. For the failure of any such constable or sheriff to make his delinquent return to, and his annual settlement with, such commissioner as aforesaid, he shall be fined two dollars per day for each day he continues in default.

9. Every surveyor of a road not under contract shall be entitled to compensation at the discretion of the county court, to be certified by it to the board of supervisors, and paid out of the road district levy, hereinafter provided for, in the manner and subject to the conditions hereinafter provided, not exceeding one dollar per day of ten hours' work; but special road surveyors, appointed by the county court, may, at the discretion of said court, receive compensation to an amount not exceeding two dollars per day for each day's work as aforesaid: provided such increased

compensation be first authorized by the said board of supervisors.

10. The said road commissioners shall receive compensation for their services at the rate of two dollars per day for the time during which they shall be actually engaged in the duties of their office as such commissioners, and the number of days for which they shall respectively receive such compensation shall be limited by said board of supervisors according to the number of days during which it shall appear each commissioner should be employed in his district, to be paid out of the road tax collected in his district; but no such commissioner shall receive more than one hundred dollars in any one year; and if said commissioner shall have served as special surveyor, he shall not be paid twice for the same time employed in both capacities.

11. Should any such road commissioner act also as special surveyor, his work as such surveyor shall be supervised, inspected, and reported on as aforesaid to the July and November courts by the supervisor of the magisterial district in which the same is done; and such supervisor shall receive compensation therefor, and also for the extra duties imposed upon him by this act, including such meetings as it may be necessary to hold of said board for road purposes, at the rate of three dollars per day for the time employed by him, not to exceed, however, fifteen dollars in any one year.

12. Each road surveyor in said county shall annually, at a meeting of the board of supervisors to be held for that purpose on the first Monday in December in each year, or at such other time in each year as the board of supervisors shall direct, report to them on oath the general condition of the public roads and bridges in his road precinct, the amount of money, labor, or both (including also the hire of teams), expended or performed on said roads and bridges, and such other matters relative thereto as the board of supervisors shall suggest or require, and such reports shall be passed on and approved or disapproved in whole or in part by the road commissioner of the district, except when such commissioner may himself make the same as special surveyor, in which case it shall be passed on and approved or disapproved as aforesaid by the supervisor of the district where the work was done.

13. Upon such report as is prescribed in the preceding section, and after the semi-annual reports from the road commissioners or supervisors hereinbefore required shall have been made as to the precinct of a road surveyor and his account duly certified by the county court or judge thereof in vacation, and upon the said board of supervisors being satisfied that such road surveyor has fully dis-

charged his duty, they shall issue proper warrant to him for the amount to which he may be entitled.

14. Every such road surveyor shall be liable to prosecution for any neglect of duty or malfeasance in office, and upon conviction shall be fined in each case not less than five nor more than fifty dollars.

15. The clerk of said board of supervisors and of said court shall receive compensation for the duties he may be required to perform under this act, to be allowed him by said board, not to exceed fifty dollars in any one year.

16. The said board shall annually levy (along with the county levy) a tax upon all the property, real and personal, assessed for taxation in the several road districts aforesaid, for the working, repairing and keeping in order of the public roads and bridges under this act, which tax shall not exceed twenty cents on the hundred dollars of such property, and such tax shall be laid separately upon each road district, and may be at different rates in the different districts, and of the moneys collected by the county treasurers in each district a separate account shall be kept and the same shall be expended in the district in which they were collected.

17. When bridges are across streams forming the boundary line of two road districts, the cost of repairing the same so far as chargeable to the districts shall be borne equally by them, and such repairs shall be under the joint supervision of the road commissioners of the two districts, except in those cases where the board of supervisors may with the approval of said judge, in term time or vacation, prescribe some different rule with regard to such repairs.

18. The judge of said court, in term time or vacation, may, with the approval of said board, appoint a commissioner of bridges for said county, with such compensation as may be fixed by said board, who shall have the supervision and inspection of the bridges of the county so far as erected or repaired at the county expense, and perform such other duties as may be required by the rules and regulations of said board; and when it shall appear that the amount needed at one time to put any bridge in repair will be more than one hundred dollars, the same shall be ordered and paid for out of the county levy in the mode prescribed in the general law, unless the said board and the said judge, in term time or vacation, shall order otherwise.

19. The teams, tools and implements now belonging to said county for road purposes may be apportioned ratably among the several road districts by the county judge, or he may, with the approval of the board of supervisors, make such other disposition of them as may be deemed proper.

20. The provisions of chapter forty-three of the code of Virginia, of the edition of eighteen hundred and eighty-seven, in reference to county roads, causeways, bridges, landings and wharves, shall apply to and be in force in said county, so far as not inconsistent with the provisions of this act, and in so far as the matters therein contained shall not have been otherwise provided for in this act, except that the sections numbered from nine hundred and sixty-three to nine hundred and eighty-three, inclusive, of said chapter, shall not have effect or be in force in said county; and an act entitled an act to provide for working and keeping in repair the public roads of Albemarle county, approved March seventh, eighteen hundred and eighty-four, and an act to provide for the working and keeping in order the public roads of Albemarle county, approved February nineteenth, eighteen hundred and eighty-six, are hereby repealed; but all rules and regulations which may have been adopted by said board of supervisors under said acts, so far as not inconsistent with this act, shall continue in force until modified or annulled by said board; and the present road commissioners of the said county shall continue in office until the terms of office of the road commissioners provided for in the first section of this act shall commence.

CHAP. 823.—An ACT to amend and re-enact § 1145 of the code of Virginia as to how certain charters of incorporation granted, altered or amended by circuit or corporation courts, and where to be recorded; validating all charters to build and operate street railroads heretofore granted by a circuit or corporation court, but forbidding said courts to grant such charters in the future.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That section eleven hundred and forty-five of the code of Virginia be amended and re-enacted so as to read as follows:

§1145. How certain charters of incorporation granted, altered or amended by circuit or corporation courts, and where to be recorded; validating all charters to build and operate street railroads heretofore granted by a circuit or corporation court, but forbidding said courts to grant such charters in the future.—Any five or more persons, who shall desire to form a joint stock company for the conduct of any enterprise or business, which may be lawfully conducted by an individual or by a body politic or corporate, except to construct a turnpike, to be constructed beyond the limits of the county, or a railroad, or canal, or

to establish a bank of circulation, may make, sign, and acknowledge before any justice or notary, or county or corporation judge, or clerk of a county, corporation or circuit court, a certificate in writing setting forth the name of the company, the purposes for which it is formed, the capital stock and its division into shares, the amount of real estate proposed to be held by it, the place at which its principal office is to be kept, the chief business to be transacted, and the names and residences of the officers who for the first year are to manage the affairs of the company. This certificate may be presented to the circuit court of the county, or the circuit or corporation court of the corporation, wherein the principal office of the company is to be located, or to the judge thereof in vacation. The said court or judge in vacation shall have a discretion to grant or refuse to said persons a charter of incorporation upon the terms set forth in the said certificate, or grant it upon such other terms as may be adjudged reasonable. If the charter be granted, it shall be recorded by the clerk of the said court in a book to be furnished and kept for the purpose, and shall be certified by him to the secretary of the commonwealth, to be in like manner recorded in his office. Any charter heretofore or hereafter granted to a company under the provisions of this section by a court or judge thereof in vacation may be altered or amended, or the corporate name of the company be changed, by the said court or the judge in vacation on the application of the company, authorized by a majority of the stockholders in general meeting. And any charter heretofore or hereafter granted by the general assembly which, under the provisions of this section, might have been granted by a court or judge, may in like manner, and on like application, be altered or amended, or the corporate name of the company changed by the circuit court of the county, or circuit or corporation court of the corporation wherein the principal office of the company is, or by the judge of such court in vacation; such alteration or amendment or change shall be recorded by said clerk and in the office of the secretary of the commonwealth, as hereinbefore provided for recording charters, and shall be as effectual and legal from that time as if originally a part of said charter. Any charter heretofore granted by a circuit or corporation court to build and operate a street railroad, shall be deemed valid to all intents and purposes; but said courts are hereby inhibited and forbidden to hereafter grant any charters to build and operate street railroads. But nothing contained in this section shall be held or construed as denying to any building fund association, which has heretofore been organized and incorporated under the act of May twenty-ninth, eighteen hundred and fifty-two, and amendatory acts, all the rights, powers, privileges, and

Application for
charter—what
to set forth.

Street railway
charters.

franchises granted to and vested in such associations under said acts. And it shall not be lawful for the general assembly to grant relief or to incorporate any company, or to alter or amend the charter of any corporation, provision for which is made in this section, unless application shall have been first made to some circuit or corporation court, or the judge thereof in vacation, and refused: provided, that nothing in this act shall be construed to authorize the condemnation of lands by any street railroad company chartered by the courts.

Commencem't. 2. This act shall be in force from its passage.

CHAP. 324.—An ACT to incorporate the Gladeville railroad company in Wise county.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That E. M. Fulton, J. E. Lipps, N. B. Dotson, C. F. Flannery, T. G. Wells, T. M. Alderson, O. M. Vicars, R. P. Bruce, J. C. Richmond, Milbourn Gilliam, Henry Ramey, J. F. Johnson, W. T. Miller, J. F. Bullet, junior, H. C. McDowell, junior, R. T. Irvin, W. S. Mathews, J. L. Litze, J. B. F. Mills, A. G. Roberson, Levi Hoback, E. W. Maxwell and B. B. Redwine, of Wise county; R. A. Ayers and Patrick Hagan, of Scott county; C. T. Duncan, of Lee county; W. E. Burns, of Russell county, and Leibourn Fulton, of Dickenson county, or such of them as may accept the provisions of this act, their associates, successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of Gladeville railroad company, and by that name shall be known in the law, and as such are authorized and empowered to locate, construct and operate, by steam, electricity or other motive power, a line of railroad, commencing at a point within the corporate limits of the town of Gladeville, in Wise county, Virginia, and running thence to such point on or near the Norfolk and Western railroad or the Louisville and Nashville railroad, in said county of Wise, and by such route as may be deemed suitable by the board of directors of said company.

2. That said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended, in all the courts whether in law or in equity, and may make and have a common seal, and alter or renew the same at pleasure, and shall have and possess and enjoy all the rights and privileges

of a corporation or body politic in the law and necessary for the purposes of this act.

3. The capital stock of said company shall not be less than fifty thousand dollars nor more than one hundred thousand, divided into shares the par value of which shall not be less than ten dollars per share, from time to time, under such regulations as the board of directors of said company shall, from time to time, prescribe; and the directors may receive cash, labor, material, real and personal property, suited to the business of the company, in payment of subscriptions to the capital stock, at such valuations as may be agreed upon between the directors and subscribers, and may make such subscriptions payable in such manner or amounts, at such times as may be agreed upon with the subscribers.

4. It shall be lawful for said company to acquire, by donation or purchase, land for right of way, depots, stations and other purposes necessary for the successful construction and operation of its road in any of the counties through which it is authorized to construct its line or branches thereof.

5. It shall be lawful for said company to borrow money or issue and sell its bonds from time to time, for such sums and upon such terms as its board of directors may deem expedient and proper; and to secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, railroads and franchises.

6. It shall be lawful for said company to guarantee or hold the stock or bonds of any mining, manufacturing or other corporation of this state, and any mining, manufacturing, or other corporations, may guarantee or hold the stock or bonds of the said company.

7. The said corporation is authorized and empowered by such route or routes as it may select, to locate, construct, equip, and operate lateral or branch roads as may be necessary for the accommodation of the public, and to bring out the coal, iron ores, and the products of the counties of Wise, Scott, Lee, Russell, Dickenson and Buchanan, or to connect with any other road that is now or hereafter may be constructed in or to any of said counties, not to exceed fifty miles in length.

8. The said company may acquire by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroad, and the necessary stations and depots for its operation, and may connect or unite its railroads with that of any other railroad company now or hereafter constructed in or to any of the counties hereinbefore mentioned, or consolidate or merge its stock, property, or franchises with those of any company operating or authorized to operate a connecting line of railroad, or any lateral or branch road, upon such terms as may be

agreed upon by the board of directors of the companies so uniting or consolidating, and for that purpose power is hereby granted or given to it, and to such other company or companies, to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation: provided, that a copy of every such contract, consolidation and merger be filed in the office of the board of public works.

9. That said company shall be required to commence the construction of said railroad within two years from the passage of this act, and to complete the construction of the main line within five years thereafter, or otherwise the powers and privileges and franchises hereby granted shall be annulled and become void.

10. That E. M. Fulton, J. E. Lipps, C. F. Flanary, N. B. Dotson, T. G. Wells, T. M. Alderson, O. M. Vicars, J. C. Richmond and W. T. Miller, or such of them as shall accept the provisions hereof, shall have power and authority of a president and board of directors for the purpose of organizing, and all other purposes. They shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his name.

11. The board of directors shall be stockholders of said company. They shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever ten per centum of the capital stock shall have been subscribed, and the board of directors shall have elected a president and the proper tax of this charter has been paid, said company shall be considered legally organized, and may proceed to the transaction of business.

12. No stockholder in said company shall be held liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to said company for stock subscribed for by said stockholder.

13. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of said company shall be located at some place within the limits of the state of Virginia.

14. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

15. This act shall be in force from and after its passage.

CHAP. 825.—AN ACT to provide for the settlement of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of the interest thereon, approved February 14, 1892.

Approved February 20, 1892.

Whereas by a joint resolution of the general assembly of the state of Virginia, adopted on the third day of March, eighteen hundred and ninety, a commission was appointed on the part of Virginia to receive propositions for funding the debt of the state not funded under the act known as the "Riddleberger bill," approved February fourteenth, eighteen hundred and eighty-two, from a properly constituted representative of her creditors; and

Whereas said Virginia debt commission has submitted a report to the general assembly, wherein it appears that under a certain agreement, dated May twelfth, eighteen hundred and ninety, lodged with the Central trust company of New York, Frederick P. Olcott, William L. Bull, Henry Budge, Charles D. Dickey, junior, Hugh R. Garden, and John Gill, constituting a committee for certain of the creditors of Virginia, called the "Bondholders' committee," have proposed to said commission to surrender to the state in bulk not less than twenty-three million of dollars of the public debt, unfunded under said act approved February fourteenth, eighteen hundred and eighty-two, in exchange for an issue of new bonds, as hereinafter specified, the same to be apportioned between the several classes of creditors by a tribunal which the said creditors have themselves appointed; and that, in pursuance of said proposal, an agreement has been entered into unanimously between the said commission and the said bondholders' committee, subject to approval by the general assembly, whereby in exchange for the said unsettled obligations of the state held by the public, which were issued prior to February fourteenth, eighteen hundred and eighty-two (exclusive of evidences of debt held by the public institutions of the commonwealth pursuant to law and by the United States), together with the interest thereon to July first, eighteen hundred and ninety-one, inclusive, aggregating about twenty-eight million of dollars, there shall be issued nineteen million of dollars of new bonds, dated July first, eighteen hundred and ninety-one, and maturing one hundred years from said date, with interest thereon at the rate of two per centum per annum for ten years from said first day of July, eighteen hundred and ninety-one, and three per centum per annum for ninety years thereaf-

Preamble.

ter to the date of maturity, said interest to be payable semi-annually; of which aggregate debt of about twenty-eight million of dollars the said bondholders' committee represent that they now hold and agree to surrender not less than twenty-three million of dollars; and

Whereas said report and agreement contemplate the surrender of the obligations held by the bondholders' committee as an entirety, and do not contemplate an apportionment by the general assembly between the various classes of creditors so represented by said bondholders' committee, the same having been committed to a distributing tribunal, as hereinbefore recited; and

Whereas it is the desire and intention of the general assembly that a settlement of all the other outstanding obligations of the state (except those issued under the act of February fourteenth, eighteen hundred and eighty-two, the evidences of debt held by the public institutions of the state in pursuance of law and by the United States) as well as those controlled by the bondholders' committee, as aforesaid, shall be made under the provisions of this act: therefore,

Bonds—character; conditions; amount to be issued.

1. Be it enacted by the general assembly of Virginia, That the commissioners of the sinking fund, a majority of whom may act, be, and they are hereby, empowered and directed to create "listable" engraved bonds, registered and coupon, to such an extent as may be necessary to issue nineteen million of dollars of bonds in lieu of the twenty-eight million dollars of outstanding obligations, not funded under the act approved February fourteenth, eighteen hundred and eighty-two, hereinbefore recited.

Bonds—when to be dated; interest, how paid.

2. The said bonds shall be dated July first, eighteen hundred and ninety-one, and be payable at the office of the treasurer of the state, or at such agency in the city of New York as may be designated by the state, on the first day of July, nineteen hundred and ninety-one, and shall bear interest from date, payable semi-annually on the first days of January and July in each year, at the rate of two per centum per annum for the first ten years and three per centum per annum for the remaining ninety years; the said interest may be payable in Richmond, New York and London, or at either place, as may be designated by the state: provided that the state may at any time, and from time to time, after July first, nineteen hundred and six, redeem at par any part of the principal with accrued interest. In case of such redemption before maturity, the bonds to be paid shall be determined by lot by said commissioners of the sinking fund, and notice of the bonds so selected to be paid shall be given by publication beginning at least ninety days prior to an interest-due date, in a newspaper published in Richmond, Virginia, one in New York city, and one in London, Eng-

Redemption—in case of, notice to be given.

land; and the interest from and after the next succeeding interest-due date shall cease upon the bonds so designated to be paid: provided that no registered bonds shall be so redeemed while there are any coupon bonds outstanding.

3. The form of the bonds shall be substantially as follows, to-wit:

Issued under act of assembly, approved _____ day of _____ Bonds—form of.
_____, eighteen hundred and ninety-two.

The commonwealth of Virginia acknowledges herself to be indebted to _____ (in case of a coupon bond to the bearer, and in case of a registered bond inserting the name of a person or corporation, or assigns,) in the sum of _____ dollars, which she promises to pay in lawful money of the United States, at the office of the treasurer of the state, or at such agency in the city of New York as may be designated by the state, on the first day of July, nineteen hundred and ninety-one, with the option of payment at par with accrued interest, before maturity at any time after July first, nineteen hundred and six, and interest, at the office of the treasurer of the state, or at the agencies of the state in New York city and London, England, or at either place, as may from time to time be designated by the state, in such lawful money aforesaid, at the rate of two per centum per annum for ten years from the first day of July, eighteen hundred and ninety-one, and at the rate of three per centum per annum thereafter until paid, payable semi-annually on January first and July first in each year (according to the tenor of the annexed coupon bearing the engraved signature of the treasurer of the commonwealth in case of coupon bonds). And this obligation is hereby made exempt from any taxation by the said commonwealth of Virginia, or any county or municipal corporation thereof. Exempt from taxation.

In testimony whereof, witness the signature of the treasurer and the countersignature of the second auditor of the commonwealth of Virginia, hereto affixed according to law.

[Seal.]

_____, Treasurer.

_____, Second Auditor.

4. The form of coupon for coupon bonds shall be substantially as follows, to-wit:

Coupon No. —

On the first day of _____ the commonwealth of Virginia Coupon—form of.
will pay to bearer _____ dollars in lawful money of the United States, at the office of the treasurer of the state, or at the agencies of the state in New York city and London, England, or at either place, as may be designated by the state; the same being six months' interest on bond number —. _____ dollars.

_____, Treasurer.

Each coupon to be impressed on the back with its number, in order of maturity, from number one consecutively.

Denomination
of bonds.

5. Said commissioners of the sinking fund are authorized to issue coupon bonds in denominations of five hundred and one thousand dollars each, as may be necessary to carry out the provisions of this act: provided that registered bonds may be issued of the denominations of one hundred dollars, five hundred dollars, one thousand dollars, five thousand dollars, ten thousand dollars; and they are authorized and directed to issue said bonds, registered or coupon, in exchange for the said outstanding obligations up to and including July first, eighteen hundred and ninety-one (exclusive of evidences of debt held by public institutions of the commonwealth as aforesaid and by the United States) as follows:

What may be
exchanged for
bonds.

A. Said bondholders' committee may at any time on or before the thirtieth day of June, eighteen hundred and ninety-two, present to said commissioners for verification bonds and other evidences of debt, and coupons or other evidences of interest thereon, obligations of the state of Virginia, held by said committee, for exchange as aforesaid; and said commissioners shall determine whether the obligations so presented are genuine obligations of the state and whether the coupons or other evidences of interest represent interest accrued on such obligations (exclusive of evidences of debt held by public institutions of the commonwealth as aforesaid and by the United States).

Verified obligations to be
sealed and filed

B. Such of the obligations so presented for verification as may be determined by said commissioners to conform to the requirements of paragraph A hereof, shall be sealed in convenient packages as the examination proceeds. Each of the packages shall be numbered, and upon each package shall be endorsed the amount and character of the obligations therein contained. Such endorsement on each package shall be signed by said commissioners or a majority thereof, and the package shall then be delivered to said committee or its agent. Said commissioners shall keep in a book to be provided for the purpose a record of the numbers of all such packages and of the amount and character of the obligations contained in each. Such obligations presented by said bondholders' committee as do not conform to the requirements of paragraph A hereof shall be returned to said committee; but said commissioners shall keep a record thereof in the book aforesaid.

Funding—with-
in what time to
be accomplished.

C. After said bondholders' committee shall have presented to said commissioners for verification bonds and other evidences of debt and coupons, or other evidences of interest thereon accrued on or before July first, eighteen hundred and ninety-one, obligations of the state of Virginia, all conforming to the requirements of paragraph A

hereof, as determined by said commissioners, and amounting in the aggregate to not less than twenty-three million of dollars, after deducting one-third of the principal and interest of such obligations as were issued prior to the thirtieth day of March, eighteen hundred and seventy-one, and also deducting one-third of the principal and interest of such obligations as were issued under the act approved the thirtieth day of March, eighteen hundred and seventy-one, as do include West Virginia's proportion, said bondholders' committee may at any time on or prior to the thirtieth day of June, eighteen hundred and ninety-two, present the same in bulk to said commissioners for surrender and exchange as herein provided. All coupons matured or to mature on coupon bonds after July first, eighteen hundred and ninety-one, or coupons of like class and amount, or the face value thereof in cash, shall be surrendered with such bonds, the said cash to be returned if proper coupons are subsequently tendered. And when the said bondholders' committee shall have presented for exchange the obligations aforesaid to an amount of twenty-three million of dollars or more, if the engraved bonds hereinbefore authorized are not ready for exchange, the said commissioners shall, upon application of said bondholders' committee, issue to said bondholders' committee a manuscript registered bond of the state of Virginia, substantially of the form of the bond hereinbefore specified, for the aggregate amount to which the said committee may be entitled for the obligations so presented under this act, the said bond to be exchangeable for the engraved bonds aforesaid of character and amount required by said committee, as prescribed in this act, and interest in the meantime on said manuscript bond shall be paid as herein provided for on the engraved bonds.

D. The said new bonds shall be issued to said bondholders' committee by the said commissioners in the following proportion, to-wit: nineteen thousand dollars of the new bonds to be created under this act shall be issued for every twenty-eight thousand of old outstanding obligations (principal and interest to July first, eighteen hundred and ninety-one), as aforesaid, surrendered by said bondholders' committee to the said commissioners, after the deductions provided for in paragraph C of this section; and a proportionate amount of said new bonds shall be issued for smaller sums of said outstanding obligations so surrendered: provided that no certificates issued on account of the proportion of West Virginia of the obligations of the state shall be funded under this act. When said bondholders' committee shall have surrendered and exchanged such obligations as aforesaid to the amount of at least twenty-three million dollars, said committee may at any time thereafter up to and including the thirtieth day of

Ratio of new
issue to old
debt.

West Virginia
securities not
fundable.

June, eighteen hundred and ninety-two, present to said commissioners for verification, surrender, and exchange additional obligations, principal and interest, as aforesaid; all coupons matured or to mature on coupon bonds after July first, eighteen hundred and ninety-one, or coupons of like class and amount, or the face value thereof in cash, to be presented with such bonds, the cash, if paid, to be returned if proper coupons are subsequently tendered. After said commissioners shall have determined that said obligations conform to the requirements of paragraph A hereof, said commissioners shall accept the obligations so presented for surrender and exchange by said committee, and shall deliver to said committee in exchange therefor new bonds issued under the provisions of this act in the same proportion as is set out in this paragraph of this section, after making the deductions provided for in paragraph C of this section.

Fractional certificates.

E. If on making the exchange provided for in this act said committee shall be found entitled to a fractional amount or amounts less than one hundred dollars in addition to the new bonds delivered to it, said commissioners of the sinking fund shall issue to the committee a certificate or certificates for such amount or amounts. Such fractional certificates shall be exchangeable for the bonds authorized by this act to be issued in sums of one hundred dollars, or any multiple thereof, and certificates of like character shall be issued for any fractional amount which may remain in making the exchange.

West Virginia's share—how accounted for.

6. For all balances of the indebtedness, constituting West Virginia's share of the old debt, principal and interest, in the settlement of Virginia's equitable share of the bonds authorized to be exchanged under this act, the said share having been heretofore determined by the commonwealth of Virginia, the said commissioners shall issue certificates substantially in the following form, viz.:

Form of certificate.

No. ——. The commonwealth of Virginia has this day discharged her equitable share of the (registered or coupon, as the case may be,) bond for _____ dollars, dated _____ day of _____, and No. ——, leaving a balance of _____ dollars, with interest from _____, to be accounted for to the holder of this certificate by the state of West Virginia, without recourse upon this commonwealth.

Done at the capitol of the state of Virginia, this _____ day of _____, eighteen hundred and ninety-two.

_____, Second Auditor.

_____, Treasurer.

Recordation—by whom to be made.

The certificates so issued under sections five and six of this act shall be recorded by the second auditor in a book kept for that purpose, giving the date and number of the transaction to which it refers, the amount of certificates, and the name of the person or corporation to whom issued

and delivered; and as such certificates, authorized by paragraph E, section five of this act, are exchanged, the same shall be cancelled and preserved as herein provided in respect to the evidences of debt refunded.

7. The commissioners of the sinking fund are hereby authorized and required to receive on deposit for verification, classification and exchange such of the said obligations of the state as may be presented to said commissioners; provided, that said commissioners shall not receive on deposit for the purposes aforesaid any outstanding obligations of the state which have been once deposited with the bondholders' committee, or may be hereafter deposited with them; the said verification and exchange for the new bonds of the obligations so deposited to be conducted in the same manner as hereinbefore provided with respect to the obligations deposited with the said bondholders' committee, and the said commissioners of the sinking fund shall issue to and distribute amongst said depositing creditors after they have fully complied with the terms of this act, in exchange for the obligations so deposited, bonds authorized by this act as follows, namely: to each of the several classes of said depositing creditors the same proportion, as nearly as may be found in their judgment practicable by the commissioners of the sinking fund, as the same class shall receive under the distribution which shall be made by the commission for the creditors represented by the bondholders' committee: provided that no obligations shall be received for such deposit after the thirtieth day of June, eighteen hundred and ninety-two, nor shall any coupon bonds be received which do not have attached thereto all the coupons maturing after July first, eighteen hundred and ninety-one; but for any such coupons as may be missing, coupons of like class and amount, or the face value thereof in cash, may be received; the said cash, if paid, to be returned if proper coupons are subsequently tendered; and each depositor shall, when he receives his distributive share of the said new issue of bonds, pay to the commissioners of the sinking fund three and one-half per centum in cash of the par value of the bonds received by him, or a commission equal in amount to that which may at any time hereafter be fixed by the said committee of bondholders upon any bonds deposited with them, not, however, in any case to exceed three and one-half per centum; and said sinking fund commissioners shall cover the fund thus received into the treasury of the commonwealth.

8. All the coupon and registered bonds issued under this act shall be separately recorded by the second auditor in books provided for the specific purpose, in each case giving the date, number, amount of obligations issued, and the name of the person or corporation to whom

Obligations to be held for verification—exceptions; limit as to time.

New bonds separately recorded.

issued, and the date, number, amount and description of the obligations surrendered.

Refunded
bonds to be de-
stroyed.

9. All the bonds and certificates of debt, and evidences of past due and unpaid interest, taken in under the provisions of this act, shall be cancelled by the treasurer in the presence of the commissioners of the sinking fund, or a majority thereof, as the same are acquired, and by him carefully preserved, subject to disposition by the general assembly; a schedule of the bonds, certificates, and other evidences of debt so cancelled shall be certified by said commissioners and filed by the treasurer for preservation.

Sinking funds
—their rate.

10. In the year nineteen hundred and ten, and annually thereafter, there shall be set apart of the revenue collected from the property of the state each year up to and including the year nineteen hundred and twenty-nine, one-half of one per cent. upon the bonds issued under this act, as well as upon the outstanding bonds issued under act approved February fourteenth, eighteen hundred and eighty-two; and in the year nineteen hundred and thirty, and annually thereafter until all the bonds issued under this act and the said act approved February fourteenth, eighteen hundred and eighty-two, are paid, there shall be set apart of the revenue collected from the property of the state each year one per cent. upon the outstanding bonds issued under the aforesaid acts, which shall be paid into the treasury to the credit of the sinking fund, and the commissioners of the sinking fund shall annually, or oftener, apply the same to the redemption or purchase (at a rate not above par and accrued interest) of the bonds issued under the aforesaid acts, and the bonds so redeemed shall be cancelled by the said commissioners and the same registered by the second auditor in a book to be kept for that purpose, giving the number and date of issue, the character, the amount, and the owner at the time of purchase, of the bonds so redeemed and cancelled; and in case no such purchase of bonds can be made, then the amount which can be redeemed shall be called in by lot, as provided in section two of this act. All bonds of the state issued under the provisions of the act aforesaid, approved February fourteenth, eighteen hundred and eighty-two, and now held by said commissioners of the sinking fund, shall, as soon as at least fifteen million of dollars of new bonds shall have been issued and delivered pursuant to the provisions of this act, be cancelled by said commissioners and preserved in the office of the treasurer of the commonwealth.

Application of
sinking fund.

Fiduciary
funds may be
invested.

11. Executors, administrators and others acting as fiduciaries may participate in the settlement of the debt herein specified in the manner hereinbefore provided, and such action shall be deemed a lawful investment of their trust fund. Executors, administrators and others acting as fidu-

ciaries may invest in the bonds issued under this act, and the same shall be considered a lawful investment.

12. All coupons heretofore tendered for taxes and held by said tax-payers in pursuance of such tender, shall be received in payment of the taxes for which they were tendered, and upon their delivery to the proper collector or the amount thereof in money, the judgments obtained against the said tax-payers for such taxes shall be marked satisfied: provided the said tax-payers shall have paid in money and not in coupons the costs of said judgments. All coupons heretofore tendered for taxes and held by the officers of the commonwealth for verification, in pursuance of the statute in such case made and provided, shall be received in payment of the taxes for which they were tendered, and the money collected for such taxes returned to the parties from whom it was received: provided the said tax-payers shall have paid in money, and not in coupons, all costs incurred in legal proceedings to verify said coupons. Tendered coupons now to be received; conditions.

13. The treasurer of the commonwealth is authorized and directed to pay the interest on the bonds issued under this act as the same shall become due and payable out of any money in the treasury not otherwise appropriated. Interest to be paid.

14. The plates from which the bonds and fractional certificates authorized by this act are printed shall be the property of the commonwealth. Plates property of State.

15. All necessary expenses incurred in the execution of this act shall be paid out of any money in the treasury not otherwise appropriated on the warrants of the auditor of public accounts, drawn upon the treasury on the order of the commissioners of the sinking fund. Expenses—how paid.

16. The act entitled "an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of interest thereon," approved February fourteenth, eighteen hundred and eighty-two, and the amendments thereto, to-wit: an act entitled "an act to declare the true intent and meaning of, and to amend and re-enact section five of chapter eighty-four of acts eighteen hundred and eighty-one and eighteen hundred eighty-two, approved February fourteenth, eighteen hundred and eighty-two," approved August twenty-seventh, eighteen hundred and eighty-four; and the act entitled "an act to amend and re-enact an act approved August twenty-seventh, eighteen hundred and eighty-four, entitled an act to declare the true intent and meaning of, and to amend and re-enact section five of chapter eighty-four of acts of eighteen hundred and eighty-one and eighteen hundred and eighty-two, approved February four- Acts repealed.

teenth, eighteen hundred and eighty-two," approved November twenty-ninth, eighteen hundred and eighty-four, are hereby repealed.

Time of funding may be once extended.

17. The commissioners of the sinking fund are authorized, if it shall seem to them for the best interest of the commonwealth, to make one extension of the time for the funding of the said twenty-eight million of dollars of outstanding evidences of debt for a period not exceeding six months from the thirtieth day of June, eighteen hundred and ninety-two.

Fee for issuing bond.

18. The commissioners of the sinking fund are authorized to exchange coupon bonds issued under this act into registered bonds in the denominations hereinbefore provided, and to arrange for the transfer of registered bonds. For every bond so issued in exchange a fee of fifty cents shall be charged by and paid to the second auditor, and shall, upon his order, be covered into the treasury to the credit of the sinking fund; and bonds so taken in exchange shall be cancelled in the manner hereinbefore prescribed.

Commencem't.

19. This act shall be in force from its passage.

CHAP. 326.—An ACT to authorize the town of Rocky Mount to borrow a sum of money not exceeding four thousand five hundred dollars to pay damages for the right of way of the Roanoke and Southern railroad from Waidsober to Magodee Gap and to levy a tax for the same.

Approved February 20, 1892.

Be it enacted by the general assembly of Virginia, That the council of the town of Rocky Mount be, and it is hereby, authorized to borrow a sum of money not exceeding four thousand five hundred dollars, by bonding the town of Rocky Mount for that amount, the money so borrowed to be used in paying the damages for the right of way of the Roanoke and Southern railroad from Waidsober to Magodee Gap, for which certain citizens of the town of Rocky Mount are liable, as in discharging the liabilities of the persons who have paid said damage.

2. That after the voters of said town, according to the requirements of the general law and of the charter of the town, shall have voted for the issue of the bonds necessary to raise the said amount of four thousand five hundred dollars, that the town of Rocky Mount be, and it is hereby, authorized, through its council, to issue bonds not exceeding four thousand five hundred dollars, for the purpose aforesaid, in such forms, running for such length of time in such sums, payable at such periods and places, and

bearing such rate of interest, not exceeding six per centum, as said council may determine.

3. That the council of said town of Rocky Mount be, and it is hereby, authorized to carry out in every respect the wishes of the voters of the town when expressed by a vote for the issue of the bonds aforesaid, and to levy, assess and collect such an annual tax as may be necessary to pay the interest on said bonds and to create a sinking fund to pay the principal of the same when they shall become due, the limitation of the amount of taxation as prescribed in section twelve hundred and forty-three of the code of Virginia of eighteen hundred and eighty-seven to the contrary notwithstanding.

4. If any authority is needed to empower the voters of said town to vote on the question of the making of the loan and of the issue of the bonds aforesaid, for the purposes aforesaid, the same is hereby given.

5. This act shall take effect from its passage.

CHAP. 327.—An ACT to ratify, confirm, and adopt the charter of the Gray national telautograph company, which was granted August 6th, 1888, by the circuit court of the city of Richmond.

Approved February 20, 1892.

Whereas on the sixth day of August, eighteen hundred and eighty-eight, the judge of the circuit court of the city of Richmond granted a charter incorporating the Gray national telautograph company, which charter, together with the certificate of the secretary of the commonwealth as to the filing and recordation of the same in his office, is in the words and figures following, to wit:

Charter of the Gray national telautograph company.—The undersigned persons, who desire to form a joint-stock company for the conduct of the business hereinafter set forth, do hereby make, sign, and acknowledge the following certificate in writing.

The name of the company is to be the Gray national telautograph company. The purposes for which it is formed are as follows:

First. To promote, establish, and maintain the general business of a telegraph, telephone, and telautograph company within and throughout this commonwealth and the other states and territories of the United States and the districts of Columbia and Alaska, by the means and use of any electrical or other devices suitable or appropriate to the same, and particularly by means of what is known as the "telautograph system," invented by Professor Elisha Gray, for the electrical transmission of messages or

other communications written out in ordinary script or otherwise suitably prepared for such transmission, and the automatic reproduction of the same at the office of destination, including any extensions or improvements of the said system hereafter devised for or added thereto, the said telautograph system and any other telegraphic or telephonic devices, to be used in conjunction with each other or separately, as may be found expedient, and any other methods of electrical intercommunication to be used if desired.

Second. To build, purchase, rent, or otherwise acquire, and to maintain and operate such, or any line or lines of poles and wires, with the necessary fixtures, stations, terminals, exchanges, or other facilities, including underground wires and submarine cables connected therewith, within this commonwealth or elsewhere in the United States, as may be suitable for the proper, full and convenient carrying on of the business of the company, or either of the telegraphic or telautograph systems included therein, and to take, purchase, or otherwise acquire, and to hold and thereafter to sell or otherwise dispose of such real estate not exceeding the amount hereinafter limited and provided for, as may be found necessary for the establishment, erection, or maintenance of such lines of poles or wires, with the necessary fixtures, stations, terminals, exchanges, or other facilities, including underground wires and submarine cables connected therewith.

Third. To erect, maintain, and operate suitable offices, works, shops, or other structures within this commonwealth or elsewhere, for the convenient carrying on of the said business, and the manufacture, sale, renting, or other disposition of the necessary machinery, instruments, or devices appropriate to said telautograph or any other telegraphic or telephonic systems, or other systems of electric intercommunication of thought, and to carry on such manufacture, sale, renting, or other disposition of the said machinery, instruments, or devices to such extent as may be desired.

Fourth. To take, receive, and acquire by purchase, gift, assignment, subscription to its capital stock or otherwise, any inventions or letters-patent of the United States for inventions appropriate to or included in said telautograph system or any other inventions suitable to the general business of the company, and to manufacture, use, and vend, or license others to manufacture, use and vend such inventions, in whole or in part, and the machinery and instruments employed therefor, as fully as may be desired.

Fifth. To take, receive, and enjoy any payments or royalties from any corporation or corporations which may purchase telautograph or other instruments or machinery

from this company, or to which licenses from this company may be granted, and, when necessary or convenient, to receive such payments or royalties in shares of the capital stock of such corporation or corporations, the company reserving the right to hold the said shares thus paid to it, and to collect and receive any dividends accruing thereon, or to sell or pledge the said shares from time to time as may be found most expedient in the conduct of its business.

3. The capital stock of the company is not to be less than five hundred thousand dollars or more than fifteen million dollars, to be divided into shares of the par value of one hundred dollars each.

4. The amount of real estate proposed to be held by the company is not to exceed ten thousand acres in each of the states and territories of the United States.

5. The principal office of the company is to be kept at Richmond, Virginia, but the board of directors may establish branch offices wherever they are necessary and proper for the use of the company and the conduct of its business.

6. The chief business to be transacted by the company is the transmission of messages or thought and its expression from one point to another by the means of electricity and electric contrivances and devices.

7. The names and residences of the officers who for the first year are to manage the affairs of the company are as follows—viz.: T. M. Logan, Richmond, Virginia, president; Charles E. Coon, New York, New York, vice-president and director; Charles B. Farwell, Chicago, Illinois, director; J. M. Thompson, St. Louis, Missouri, director; George H. Hoadley, New York, New York, director; Joel F. Freeman, New York, New York, director; Wendell Goodwin, New York, New York, director; J. B. Pace, Richmond, Virginia, director; P. B. Plumb, Emporia, Kansas, director; Eugene Hale, Ellsworth, Maine, director; David I. Carson, New York, New York, secretary; Charles E. Coon, New York, New York, treasurer.

8. Subscription to the capital stock may be payable either in money or in property of any kind (including inventions patented or unpatented, employing electricity) or interest therein, and especially including any interest in and to sundry and all inventions applicable to the United States of America, consisting of methods and electrical and other devices, used or to be used, in what is known as the "telautograph" of Professor Elisha Gray, for the electrical transmission of characters and messages, or other communications, written out or traced in ordinary script or otherwise prepared for such transmission, and the automatic reproduction of other suitable delivery of the same at the office or point of destination, including any and all caveats filed at, or hereafter to be filed, in the United States patent office; all applications for letters

patent of the United States, filed or hereafter to be filed in said office, and any and all letters patent of the United States issued or to be issued thereon, or on any part thereof, together with all claims now or hereafter filed or allowed in the United States patent office in any or all of said applications, and any improvements or modifications of the same, or any part thereof hereafter invented or patented, or for which application for letters patent may be made by the said Elisha Gray for and in the United States of America.

9. Whenever subscriptions to the capital stock are payable in money, at least two per centum thereof shall be paid in cash at the time of making the subscription, but when payable in property or any interest therein other than money, the board of directors shall require the proper deliveries of assignment or conveyance when and as they think proper. But the value of any property or interest therein other than money which may be subscribed to the capital stock shall be agreed upon between the board of directors and the subscriber at the time of making the subscription.

10. The board of directors herein named are to meet as soon as convenient, in the city of Richmond, and open books of subscription to the capital stock of the company, and soon as six hundred thousand dollars is subscribed thereto, the company may commence business.

11. The company may dispose of the whole or any part of its property by sale, lease, or otherwise, and it may borrow money as required for its purposes, and secure the same by mortgage upon its rights, privileges, works, property, and franchises, or any part thereof.

Given under our hand and seal this twenty-first day of July, eighteen hundred and eighty-eight.

(Signed) JAMES M. ORMES,
T. M. LOGAN,
CHARLES E. COON,
C. E. FARWELL,
P. B. PLUMB,
EUGENE HALE,
WENDELL GOODWIN,
JOEL F. FREEMAN,
WALTER B. WHITING,
ELISHA GRAY,
EDWARD LAUTERBACK,
GEORGE S. SCOTT,
JOHN MCANERNEY,
SAMUEL THOMAS,
CALVIN S. BRICE,
JOHN H. INMAN,
J. B. PACE,
JAMES H. DOOLEY.

STATE OF NEW YORK,
City and county of New York, } To-wit:

I, James J. Murphy, a notary public for Kings county, with a certificate filed in the city aforesaid, in the state of New York, do certify that James M. Ormes, T. M. Logan, and Charles E. Coon, whose names are signed to the writing above, bearing date on the twenty-first day of July, eighteen hundred and eighty-eight, have acknowledged the same before me in my city aforesaid.

Given under my hand this twenty-first day of July, eighteen hundred and eighty-eight.

(Signed) JAMES J. MURPHY,
[Seal] Notary Public.
(Certificate filed in New York county.)

DISTRICT OF COLUMBIA,
City and county of Washington:

I, R. B. Nixon, a notary public in and for the district and city aforesaid, do hereby certify that C. B. Farwell, P. B. Plumb, and Eugene Hale, whose names are signed to the writing above, bearing date on the twenty-first day of July, eighteen hundred and eighty-eight, have acknowledged the same before me in the city aforesaid.

Given under my hand this twenty-fourth day of July, eighteen hundred and eighty-eight.

(Signed) R. B. NIXON,
[Seal] Notary Public.

STATE OF NEW YORK,
City and county of New York, } To-wit:

I, James J. Murphy, a notary public for Kings county, with a certificate filed in the city aforesaid, in the state of New York, do certify that Wendell Goodwin, whose name is signed to the writing above, bearing date on the twenty-first day of July, eighteen hundred and eighty-eight, has acknowledged the same before me in my city aforesaid.

Given under my hand this twenty-fifth day of July, eighteen hundred and eighty-eight.

(Signed) JAMES J. MURPHY,
[Seal] Notary Public.
(Certificate filed in New York county.)

STATE OF NEW YORK,
City and county of New York, } To-wit:

I, James J. Murphy, a notary public for Kings county, with a certificate filed in the city aforesaid, in the state of New York, do certify that Joel F. Freeman, whose name is signed to the writing above, bearing date on the twenty-

first day of July, eighteen hundred and eighty-eight, has acknowledged the same before me in my city aforesaid.

Given under my hand this twenty-sixth day of July, eighteen hundred and eighty-eight.

(Signed)

JAMES J. MURPHY,

[Seal.]

Notary Public.

(Certificate filed in New York county.)

STATE OF NEW YORK,

City and county of New York, } To-wit:

I, James J. Murphy, a notary public for Kings county, with a certificate filed in the city aforesaid, in the state of New York, do certify that Walter B. Whiting, whose name is signed to the writing above, bearing date on the twenty-first day of July, eighteen hundred and eighty-eight, has acknowledged the same before me in my city aforesaid.

Given under my hand this twenty-sixth day of July, eighteen hundred and eighty-eight.

(Signed)

JAMES J. MURPHY,

[Seal.]

Notary Public.

(Certificate filed in New York county.)

STATE OF ILLINOIS, } ss.:
Lake county,

I, David M. Erskine, junior, a notary public in and for the county of Lake, and state of Illinois, do hereby certify that Elisha Gray, whose name is signed to the writing above, bearing date on the twenty-first day of July, eighteen hundred and eighty-eight, has acknowledged the same before me this twenty-eighth day of July, A. D. eighteen hundred and eighty-eight.

(Signed)

DAVID M. ERSKINE, JR.,

[Seal.]

Notary Public.

STATE OF NEW YORK,

City and county of New York, } To-wit:

I, James J. Murphy, a notary public for Kings county, with a certificate filed in the city aforesaid, in the state of New York, do certify that Edward Lauterbach, George S. Scott, and John McAnerney, whose names are signed to the writing above, bearing date on the twenty-first day of July, eighteen hundred and eighty-eight, have acknowledged the same before me in the city aforesaid,

Given under my hand this first day of August, eighteen hundred and eighty-eight.

(Signed)

JAMES J. MURPHY,

[Seal.]

Notary Public.

(Certificate filed in New York county.)

STATE OF NEW YORK,
City and county of New York, } ss.:

I, Simeon F. Sullivan, a notary public, appointed for Kings county, with a certificate filed in New York county, do hereby certify that Samuel Thomas and Calvin S. Brice, whose names are signed to the writing above, bearing date on the twenty-first day of July, eighteen hundred and eighty-eight, have acknowledged the same before me in the city aforesaid.

Witness my hand and seal this first day of August, eighteen hundred and eighty-eight.

(Signed) S. F. SULLIVAN,
[Seal.] Notary Public Kings county.
(Certificate filed in New York county.)

STATE OF NEW YORK,
City and county of New York, } To-wit:

I, James J. Murphy, a notary public for Kings county, with a certificate filed in the county aforesaid, in the state of New York, do certify that John H. Inman, whose name is signed to the writing above, bearing date on the twenty-first day of July, eighteen hundred and eighty-eight, has acknowledged the same before me in the city aforesaid.

Given under my hand this first day of August, eighteen hundred and eighty-eight.

(Signed) JAMES J. MURPHY,
[Seal.] Notary Public.
(Certificate filed in New York county.)

STATE OF VIRGINIA,
City of Richmond, } To-wit:

I, W. W. Gosden, a notary public in and for said city, do certify that J. B. Pace, whose name is signed to the writing hereto annexed, bearing date on the twenty-first day of July, eighteen hundred and eighty-eight, personally appeared before me in my said city and acknowledged the same.

Given under my hand and official seal this third day of August, eighteen hundred and eighty-eight.

(Signed) W. W. GOSDEN,
[Seal.] Notary Public.

STATE OF VIRGINIA,
City of Richmond, } To-wit:

I, Philip B. Shield, a notary public in and for the city of Richmond, in the state of Virginia, do certify that James H. Dooley, whose name is signed to the certificate in writing hereto annexed, bearing date on the twenty-

first day of July, eighteen hundred and eighty eight, has acknowledged the same before me in my city aforesaid.

Given under my hand this sixth day of August, eighteen hundred and eighty-eight.

(Signed)

PHILIP B. SHIELD,
Notary Public.

In vacation.

Virginia:

In the circuit court of the city of Richmond:

I, B. R. Wellford, junior, judge of said court, in pursuance of section eleven hundred and forty-five, chapter forty-seven of the code of Virginia, edition of eighteen hundred and eighty-seven, do hereby grant a charter unto James M. Ormes, T. M. Logan, Charles E. Coon, C. B. Farwell, P. B. Plumb, Eugene Hale, Wendell Goodwin, Joel F. Freeman, Walter. B. Whiting, Elisha Gray, Edward Lauterbach, George S. Scott, John McAnerney, Samuel Thomas, C. S. Brice, John H. Inman, J. B. Pace, and James H. Dooley, who have made, signed, and acknowledged according to law, a certificate in writing, having for its object the formation of a joint-stock company for the purposes set forth in said certificate. And it is ordered that they and their associates be, and are hereby, made and created a body politic and corporate by the name of the "Gray national telautograph company," with all the powers and privileges conferred, and subject to all the provisions and restrictions imposed by the laws of Virginia as may be applicable to corporations of this character, and it is ordered that the same be recorded.

Given under my hand and seal this sixth day of August, eighteen hundred and eighty-eight.

(Signed)

B. R. WELLFORD, JR. [Seal.]

In the clerk's office of the circuit court of the city of Richmond, August sixth, eighteen hundred and eighty-eight:

The foregoing certificate and charter of incorporation of the "Gray national telautograph company," with the order of the judge of the court in vacation, granting the same, was this day received by the clerk of said court and admitted to record, and is hereby certified to the secretary of the commonwealth for recordation.

(Signed)

Teste: ALFRED SHIELD, Clerk.

OFFICE OF SECRETARY OF THE COMMONWEALTH,
Richmond, Virginia.

Certified a true copy of the charter of the "Gray national telautograph company," filed and recorded in this office.

Witness my hand and official seal this eighteenth day of August, eighteen hundred and eighty-eight.

[Seal] C. POINDEXTER,
Acting secretary of the commonwealth.

Copy from certified copy.

And whereas, afterwards, to-wit: on the ——— day of ———, eighteen hundred and eighty-eight, a subscription of six million dollars to the stock of said company was made, and it now being desired that the charter heretofore granted as aforesaid by the judge of the circuit court of the city of Richmond shall be ratified and confirmed by the legislature; therefore,

1. Be it enacted by the general assembly of Virginia, That the aforesaid charter of the Gray national telautograph company be, and the same is hereby, ratified, approved and confirmed.

2. All taxes due the state of Virginia by said company shall be paid in lawful money of the United States, and not in coupons.

3. This act shall be in force from its passage.

CHAP. 323.—An ACT to prevent the abatement by the death of the ward, if a male, or the death or marriage of the ward, if a female, of suits instituted by a guardian for the sale of his ward's estate, and to revive suits heretofore instituted by such guardian which have abated by the death or marriage of the ward.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That no suit heretofore or hereafter instituted by a guardian for the sale of his ward's estate under section twenty-six hundred and sixteen of the code of Virginia, shall abate by the death of the ward, if a male, or by the death or marriage of the ward, if a female, but the same shall be continued in the name of said guardian until final decree, as if said ward had not died or married. Actions—how
not abated.

2. That any suit heretofore instituted by a guardian for the sale of his ward's estate, under section twenty-six hundred and sixteen of the code of Virginia, which has abated by the death or marriage of the ward, may be revived by motion before the court in which the said suit was pending at the time of abatement, or before the judge of said Actions—how
revived.

court in vacation, upon reasonable notice to all parties interested; the said motion may be made by any person who was a party to the said suit, or by the purchaser of any estate sold under decrees in said suit prior to said abatement; and when made by a woman who marries while a minor, and who is a minor at the time of said motion, the said motion shall be made by her next friend; and if the said court or the judge thereof, in vacation, think it proper that said suit should be revived, it or he shall enter an order reviving the same, and the said cause shall proceed in the name of the guardian until final decree, as if said death or marriage had not taken place.

3. Nothing contained in this act shall be construed to authorize a decree for the sale of such estate to be entered, or the sale of such estate to be made, after the death of the ward or wards in whose interest the suit was brought.

4. All acts and parts of acts inconsistent with this act are hereby repealed.

Commencem't. 5. This act shall be in force from its passage.

CHAP. 329.—An ACT for the payment to Charles S. Scott, of Fredericksburg, Virginia, forty-five dollars for coupons accidentally destroyed by fire.

Approved February 20, 1892.

Preamble.

Whereas Charles S. Scott, of Fredericksburg, Virginia, was, on the first day of January, eighteen hundred and ninety-two, and still is, the owner of six five-hundred-dollar coupon bonds of the state of Virginia, issued under the act of the general assembly, approved February fourteenth, eighteen hundred and eighty-two, known as the "Riddleberger bill," numbered respectively as follows: Numbers seven hundred and sixty-six, one thousand and seventy-nine, one thousand and ninety-five, one thousand two hundred and nine, one thousand two hundred and ten, and one thousand two hundred and fifty-two; and whereas the coupons detached from said bonds, which matured on the first day of January, eighteen hundred and ninety-two, amounting in the aggregate to the sum of forty-five dollars, were accidentally destroyed by fire before the same were paid by the commonwealth of Virginia, and while the said coupons were the property of said Charles S. Scott; therefore,

Beneficiary.

1. Be it enacted by the general assembly of Virginia, That the treasurer of this state be directed to pay to the said Charles S. Scott, out of any moneys not otherwise appropriated, the sum of forty-five dollars, the aggregate amount of the coupons destroyed by fire, upon the said Charles S. Scott giving bond to said treasurer with good

security in the sum of one hundred dollars, payable to the commonwealth, with condition to indemnify the state of Virginia or any individual against all loss by reason of the payment by the treasurer of said sum of forty-five dollars.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 330.—An ACT to amend and re-enact section 1281 of the code of Virginia, in regard to the verification and publication of certain reports of insurance companies and associations, as amended and re-enacted by acts approved March 4, 1890, and March 5, 1890, being chapters 209 and 228 of the acts of the general assembly of Virginia, session of 1889-90.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That section one thousand two hundred and eighty-one of the code of Virginia, as amended and re-enacted by acts approved March fourth, eighteen hundred and ninety, and March five, eighteen hundred and ninety, being chapters two hundred and nine and two hundred and twenty-eight of the acts of the general assembly of Virginia, session of eighteen hundred and eighty-nine-ninety, be amended and re-enacted so as to read as follows:

Sections and
acts amended.

§ 1281. How verified and published.—The report shall be verified by the oaths of the president and secretary, or two other officers of the company or association, and be published by the auditor at the expense of the company or association once a week for four consecutive weeks, in some newspaper published in the city or county where the principal office in this state of the company or association is located, if it be a company or association incorporated or constituted under the laws of this state. And if there be no newspaper published in the said city or county, then in some newspaper published in a county or city adjacent thereto. And if the company or association is not incorporated or constituted under the laws of this state, then said report shall be printed for the time prescribed in such daily newspaper or newspapers published in the state of Virginia as the auditor may in his discretion direct, having reference in such selection to the place in which the principal business of the said company or association is done. And, in addition thereto, three hundred copies of the reports of all companies writing or contracting to write any form of life or endowment insurance, upon any plan, shall be published in book or pamphlet form by the auditor of public accounts, the cost of which shall be equitably distributed by him among the respective companies.

Reports—where
to be publish-
ed; how veri-
fied.

2. This act shall be in force from its passage.

Commencem't.

CHAP. 331.—An ACT to authorize the board of supervisors of Clarke county to borrow money to build a jail for said county.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Clarke county, Virginia, be, and it is hereby, authorized and empowered to borrow, upon the faith and credit of said county, a sum of money not exceeding ten thousand dollars, to be used in building a county jail in said county; and, if said board should deem it necessary, to issue bonds upon the faith and credit of said county for the amount so borrowed not to exceed ten thousand dollars, said board is hereby fully empowered and authorized so to do. Said bonds, if issued, to bear interest at a rate not exceeding six per centum per annum, payable annually or semi-annually, and to be in such series and of such denominations and payable at such times and in such manner as said board may see fit, and upon such conditions as may be agreed upon by said board and parties with whom it negotiates, or as said board may see proper to impose. The board of supervisors of said county of Clarke shall embrace in its annual levy a sum sufficient to pay the annual interest on the amount so borrowed, and shall also provide by levy from year to year a sinking fund of not exceeding ten per centum on every one hundred dollars of taxable property within the said county, which sinking fund shall not be held and applied to the payment of the principal of the debt so borrowed by said board.

2. This act shall be in force from its passage.

CHAP. 332.—An ACT to incorporate the Portsmouth company.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That John H. Dingee, S. Henry Norris, Richard S. Brock, William Schuroele, junior, and William Lamb, or such of them as may accept the provisions of this act, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Portsmouth company, and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter and renew the same at pleasure, and shall

have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act, and may make by-laws, rules, and regulations consistent with the existing laws of the state of Virginia for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

2. The said company is authorized and empowered to purchase or otherwise acquire, own, hold, improve, lease, convey, or otherwise dispose of lands and interests in lands in the city of Portsmouth and in the county of Norfolk and elsewhere in the state of Virginia and in other States; to subdivide lands into streets, alleys, and lots for town sites; to open and grade the streets and alleys therein, and to sell, lease, or otherwise dispose of the lots; to erect stores, dwellings, and other buildings, and to sell, lease, or otherwise dispose of them; to build and maintain wharves, and docks, and to operate, sell, lease, or otherwise dispose of them; to build dams and dykes and to dredge and improve water courses and water ways; to furnish water, electricity, gas, and steam to individuals and corporations, for all purposes whatever, and to maintain and operate the works and machinery necessary or convenient therefor, and to lend money on mortgages of land, and to buy and sell such mortgages, and to guarantee the payment of the debts thereby secured: provided, that the amount of land held by the company at any one time in any one county shall not exceed ten thousand (10,000) acres.

3. The capital stock of the said company shall not be less than one hundred thousand dollars, and may, with the consent of a majority of its stockholders, be increased from time to time to any additional amount not exceeding one million (\$1,000,000) dollars, by the issue or sale of shares, the par value of which shall be one hundred dollars each, upon such terms and conditions and under such regulations as may be prescribed by the board of directors of the company; and of the entire capital stock of the company such part shall be preferred and such part common as the board of directors of the company shall from time to time determine; and the directors may receive real or personal property, services, or other things of value in full or part payment or exchange for such issue or sale of the capital stock, at such valuations or prices and on such terms and conditions as may be fixed or approved by them.

4. The persons first named in this act, or such of them as shall accept the provisions hereof, shall organize the company, constitute its first board of directors, and continue in office until the first meeting of the stockholders thereof. At such first meeting and at every annual meeting, as many directors shall be elected as may be prescrib-

ed by the by-laws of the company, and the directors so elected may be removed by the stockholders in general meeting, but unless so removed they shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his name.

5. The directors shall choose one of their number president, and shall appoint a secretary, and may fill all vacancies that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the board of directors shall have elected a president and appointed a secretary, and the minimum amount of capital stock herein named shall have been issued or sold, the company shall be considered legally organized, and may proceed to the transaction of business. The board shall appoint, to hold during its pleasure, the subordinate officers and agents of the company, prescribe their compensation, and take from them such bonds, with security, as they may deem fit.

6. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located in the city of Portsmouth, Virginia.

7. The annual meeting of the stockholders of the company shall be held at the principal office of the company at such time as the by-laws of the company may prescribe. A general meeting of the stockholders of the company may be held at any time in accordance with section eleven hundred and fourteen of the present code of Virginia.

8. The company shall issue certificates of stock in said company in shares of one hundred dollars each signed by the president and countersigned by the secretary of said company. The said certificates shall be transferable only upon the books of the company by the stockholders, their personal representatives, or duly authorized agents or attorneys, and the said certificates, when so transferred as aforesaid, shall be returned to the said company and cancelled, and new certificates of stock shall be issued in lieu thereof to the persons entitled thereto for a like number of shares.

9. It shall be lawful for said company to borrow money and to issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper in the prosecution of its business, and the company may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property and franchises, including its franchise to be a corporation, and it shall be lawful for the company to subscribe for or acquire by purchase, exchange

or otherwise, the stock and bonds of any corporations or associations of this state or elsewhere.

10. No stockholder in the said company shall be held liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said corporation upon his stock according to the sale or issue thereof.

11. All taxes and debts due or to become due to the state of Virginia by the company shall be paid in lawful money of the United States, and not in coupons.

12. This act shall be in force from its passage; but the general assembly of the state of Virginia reserves the right to amend or repeal this act at any time hereafter.

CHAP. 333.—An ACT to incorporate the town of Emporia.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That the town of Hicksford and Bellfield, in the county of Greensville, be, and the same are hereby, made a town corporate by the name of Emporia, and by that name shall have all the powers conferred upon towns by, and be subject to all the provisions of law now in force in Virginia, and all acts amendatory thereof, so far as the same are not in conflict with this act.

2. The boundaries of said town shall be as follows: Beginning on the Petersburg and Weldon railroad one mile north from the railroad bridge spanning the Meherrin river, and running west fifteen hundred yards; thence south on a line parallel with said railroad two miles; thence east two thousand yards; thence north on a line parallel with said railroad on the east side thereof to the Meherrin river; thence down said river five hundred yards; thence north one mile; thence west to point of beginning.

3. The officers of said town shall consist of nine councilmen, a mayor and a sergeant. The mayor shall be ex-officio a member of the council, any five of whom shall constitute a quorum for the transaction of business. The officers of the town shall hold office for two years, and until their successors are appointed and qualified. The council shall have power to pass all ordinances and by-laws for the proper government of the town (not in conflict with the constitution and laws of this state or of the United States), and also to provide for aiding the county in keeping the streets in order and for other improvements.

4. The mayor shall be ex-officio president of the council, and shall preside at all meetings when present, and when they are equally divided shall give the deciding vote. He shall be invested with all the powers of a justice of the peace, shall be subject to the laws now in force regulating their conduct, and shall have exclusive jurisdiction of all criminal matters arising under the ordinances or by-laws of said town in said town, and concurrent jurisdiction with other justices of the peace over offences against the commonwealth committed in the said town or county of Greenville. In the absence of the mayor a majority of the members of the council present may select some member of the body to act as president of the council for the time.

5. W. E. Bailey, P. R. Farley, W. M. Farmer, W. T. Deal, J. A. Hartley, G. B. Wood, E. C. Tredway, A. R. Raney, and J. R. Everett, are hereby appointed councilmen of said town, and Charles Baker mayor, and they shall have and exercise all the powers herein granted to said officers, and shall remain in office until their successors are appointed and qualified according to law.

6. The council shall, when organized and every two years thereafter, appoint a sergeant, whose term of office shall be the same as that of members of the council. The sergeant shall be conservator of the peace within the said town, and shall have such powers, perform such duties, and receive such fees as are now prescribed by law for constables for like service, and shall be subject to all laws governing their acts. He shall receive in addition to the fees herein provided such compensation as the council of the town may deem proper.

7. The council shall have power to impose and the sergeant to collect an annual tax not exceeding five cents on the one hundred dollars in value on all property, real and personal, within the limits of the said town, said levy to be based upon the values as fixed by the last general assessment for state and county purposes next preceding each assessment made by said town council; and they shall also have power to impose and the sergeant to collect from all persons, firms or corporations doing a mercantile or any other business in said town, and from such shows and exhibitions as are now taxed by law, a license tax not in excess of that now imposed by the state laws, which shall be in addition thereto, and the revenue arising therefrom, together with all fines imposed by the mayor and collected by the sergeant, shall be applied by the council in aiding the county in keeping in repair the public roads within the said town and for other necessary improvements or purposes; and nothing in this act shall be construed to relieve the county of Greenville from the care and control of the public roads within the town, as now

prescribed by law, nor exempt the property, real, personal, or mixed, from county, district, school, or other taxes now imposed by law on said section of land forming said town.

8. The judge of the county court of Greenville county shall, on the first Monday in July, eighteen hundred and ninety-three, and every two years thereafter, appoint nine members of the council, who shall hold their offices as hereinbefore provided, and they shall elect a mayor, who shall hold office for two years.

9. No salaries shall be paid to any officer of the town, but the mayor shall receive such fees as are now or may be hereafter prescribed by law for a justice of the peace, and the sergeant shall receive the legal fees of a constable, and such additional fees or salary as the council may deem proper for collecting the revenues provided in this charter, and performing the duties of conservator of the peace.

10. The said council are authorized and empowered to erect a station-house upon the court-house square adjacent to the county jail (after first obtaining the consent of the board of supervisors and county judge), and all persons committed to jail by the mayor of the said town, or station-house, for violations of town ordinances, shall be by the sergeant turned over to the jailor of the county of Greenville, to be kept by him in the county jail until the said council shall provide a station-house, after which time said prisoners shall be kept by the sergeant in the said station-house, and the said sheriff or sergeant shall receive such pay, and in like manner, as is now provided by law for the maintenance and care of prisoners.

11. It is expressly provided that the jurisdiction of the county of Greenville and its officers over said town as it now exists for taxation and all other purposes, shall not be in any manner affected or abridged, except as herein expressly provided.

12. This act shall be in force from its passage.

CHAP. 334.—An ACT authorizing the board of supervisors of King William county to increase the salary of the county judge of said county.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of King William county be, and they are hereby, authorized to increase the salary of the county judge of said county so that the said salary shall not exceed five hundred dollars.

2. This act shall be in force from its passage.

CHAP. 335.—An ACT authorizing the removal of the jail of Norfolk county and the city of Portsmouth and the sale of the present jail property.

Approved February 20, 1892.

Whereas the council of the city of Portsmouth and the board of supervisors of Norfolk county having unanimously adopted resolutions looking to the removal of the jail jointly owned by said city and county from its present location at the southeast corner of High and Washington streets, in said city, to a more eligible point in said city, for the reason that the same is now improperly located and is insufficient for proper jail purposes, and for this purpose have entered, or are about to enter, into an agreement touching such removal; therefore,

1. Be it enacted by the general assembly of Virginia, That the council of the city of Portsmouth and the board of supervisors of Norfolk county be, and they are hereby, authorized to sell, publicly or privately, as they may deem best, the present jail property, situate at the southeast corner of High and Washington streets in said city, upon such terms as may be agreed upon between them, or, in lieu thereof, the said board of supervisors are authorized and empowered to convey by proper deed executed by the chairman of said board and under the seal of said county, attested by the county clerk, to the city of Portsmouth the county's one-half interest in said jail property, upon such terms and conditions as have or may hereafter be agreed upon between the said council and board of supervisors.

2. And be it further enacted, That the city of Portsmouth, through its council, be, and it is hereby, authorized to convey to the county of Norfolk, for its purposes as a jail, such portion of the new jail to be erected by the said city on a lot recently purchased for that purpose at the northwest corner of Water and County streets, in said city, and upon such terms and conditions as have or may hereafter be agreed upon between said council and board.

3. Should the said council and board of supervisors fail to agree upon the terms of sale, or the terms and conditions of conveyance as is hereinbefore provided for, then, and in that event, either of said parties may by petition apply to the circuit court of said city or county for a decree of sale of said property at the corner of High and Washington streets, and upon its appearing to the court that the present jail is a nuisance, or is improperly located in said city, or is insufficient for proper jail purposes, the said court shall decree a sale of said property, at public or private sale, upon such terms as it may deem proper under the circumstances.

4. This act shall be in force from its passage.

CHAP. 336.—An ACT authorizing the appointment of a collector of delinquent taxes for the city of Portsmouth.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That the council of the city of Portsmouth may, in its discretion, appoint a collector for the purpose of collecting delinquent taxes due to said city, and may pay to him such compensation, in commissions or salary, as it may deem proper.

2. This act shall be in force from its passage.

CHAP. 337.—An ACT supplementary to an act entitled "An act to incorporate the Baltimore, Cincinnati, and Western railway company," approved March 8, 1880.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That the time for the commencement and completion of the Baltimore, Cincinnati, and Western railway company, approved March eighth, eighteen hundred and eighty, is hereby extended to one year, and five years from the passage of this act, respectively.

2. This act shall take effect from its passage.

CHAP. 338.—An ACT to amend the Game laws of Buckingham county.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for any land owners in Buckingham county to hunt with gun or dogs all wild game except partridges upon their own land at any time.

2. It shall be lawful for any person to hunt with gun or dogs all wild game except partridges at any time that the written consent of the owner of the land hunted upon is obtained for so doing.

3. It shall not be lawful to kill or capture partridges in said county between the first day of February and the fifteenth day of November of each year.

4. It shall not be lawful at any time to take or destroy the eggs of partridges or quails.

5. The existing game laws as applicable to Buckingham county that are not in conflict with this act shall remain in force.

6. Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars.

7. All acts or parts of acts in conflict with this act are hereby repealed.

8. This act shall be in force from its passage.

CHAP. 339.—An ACT to amend and re-enact section 4099 of the code of Virginia, 1887, in reference to how penalty remitted, when in an action or scire facias on a recognizance, the penalty is adjudged to be forfeited.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That section four thousand and ninety-nine of the code of Virginia be amended and re-enacted so as to read as follows:

Section amended.

§ 4099. How penalty remitted.—When an action or scire facias on a recognizance the penalty is adjudged to be forfeited, the court may, on an application of a defendant, remit the penalty or any part of it, and render judgment on such terms and conditions as it deems reasonable.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 340.—An ACT to repeal chapter 324 of the acts of extra-session 1887, and to put in full force section 1189 of the code of 1887, in relation to branch roads on lateral works.

Approved February 20, 1892.

Chapter repealed; section of code amended.

1. Be it enacted by the general assembly of Virginia, That chapter three hundred and twenty-four of the acts of extra-session eighteen hundred and eighty-seven, entitled "an act to amend and re-enact section one of an act entitled an act to amend section five of chapter sixty-one of the code of eighteen hundred and seventy-three, in reference to the construction of branch railroads or lateral works, approved March fourth, eighteen hundred and eighty," approved May twentieth, eighteen hundred and eighty-seven, be, and the same is hereby, repealed, and that section eleven hundred and eighty-nine of the code of Virginia be re-enacted so as to read as follows:

§ 1189. Branch roads or lateral works.—The president and directors of any company incorporated to construct a railroad or other work of internal improvement may cause to be made in connection therewith branch railroads or lateral works not exceeding five miles each way in length, and under a resolution adopted in general meeting by two-thirds of all the votes of all the stockholders may cause to be made branch railroads or lateral works not exceeding twenty miles in length: provided, however, that this act shall not be construed so as to repeal any special authority heretofore given to any company to construct branch roads or lateral works exceeding twenty miles in length.

2. This act shall be in force from its passage.

CHAP. 341.—An ACT to authorize the board of supervisors of Gloucester county to borrow money and purchase real estate at Gloucester Point.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Gloucester county be, and the said board is hereby, authorized and empowered to purchase the real estate at Gloucester Point, belonging to the estate of George Hughes, deceased, at a sum not to exceed six thousand dollars.

2. If the said board of supervisors shall purchase the said real estate, it shall be held by the said board of supervisors for the use and benefit of all the people of the said county.

3. If the said board of supervisors shall purchase the said real estate, the said board shall dedicate, set apart, and appropriate the proceeds of the wharf and of the other property of the said county at Gloucester Point, after paying the running expenses of the said wharf and for any repairs that may be necessary thereto, and to the other buildings at Gloucester Point belonging to the said county, to the payment of the purchase money of the real estate so purchased as aforesaid.

4. And the said board of supervisors is also hereby authorized and empowered to borrow money to pay the said purchase money, and issue the bond or bonds of the said county therefor (but for no other purpose): provided the said board of supervisors shall dedicate, set apart, and appropriate the proceeds from the said wharf and other property of the said county at Gloucester Point, after paying the said running expenses thereof, and any repairs

that may be necessary thereon, to the payment of the said bond or bonds.

5. But the said board of supervisors shall not use any moneys of the said county either to pay the said purchase money for the said real estate, or to pay off the said bond or bonds, other than that the proceeds which have or may hereafter arise from the said wharf and other property of the said county at Gloucester Point; nor shall the said board of supervisors make any levy either to pay the said purchase money or to pay off the said bond or bonds.

6. This act shall be in force from its passage.

CHAP. 342.—An ACT to amend and re-enact section 106 of chapter 9, code of Virginia, in relation to the filling of vacancies in county, corporation and district offices.

Approved February 20, 1892.

Section
amended.

1. Be it enacted by the general assembly of Virginia, That section one hundred and six of chapter nine of the code of Virginia be amended and re-enacted so as to read as follows:

Vacancies—how
filled.

§ 106. How vacancies filled.—When a vacancy occurs in any county, corporation, or district office, the same shall be filled by the court of the county or corporation in which it occurs, or the judge thereof in vacation. When in the office of clerk of a circuit court, if the clerk of the county or corporation court be not the clerk thereof, by such circuit court, or the judge thereof in vacation. When in the office of clerk of the chancery court of the city of Richmond, by the said court or the judge thereof in vacation. When in the office of sheriff of said city, by the circuit court thereof; and when in the office of corporation or hustings court clerk, or attorney for the commonwealth for a city, by the corporation or hustings court of such city, or the judge thereof in vacation. The term of office of any person appointed under this section shall commence as soon as he shall qualify, and continue for the unexpired term of such office: provided, further, when a vacancy occurs in a corporation office, and the charter of such corporation prescribes the mode of filling such vacancy, the vacancy shall be filled in the mode so prescribed.

Commencem't.

2. This act shall be in force from its passage.

CHAP. 343.—An ACT to repeal an act entitled an act to provide for working and keeping in order the county roads of Botetourt county, approved March 3, 1890, and to amend and re-enact an act entitled an act to provide for working and keeping in repair the public roads of Botetourt, as amended by an act entitled an act to amend section 26 of an act to provide for working and keeping in repair the public roads of Botetourt, approved May 12, 1887.

Approved February 20, 1892.

1. Be it enacted by the general assembly of Virginia, That the act entitled an act to provide for working and keeping in repair the county roads of Botetourt county, approved March third, eighteen hundred and ninety, be, and the same is hereby, repealed; that the act entitled an act for working and keeping in repair the public roads of Botetourt, approved February twenty-sixth, eighteen hundred and eighty-six, and the act entitled an act to amend section twenty-six of the above-named act, approved May twelfth, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

2. That in the county of Botetourt the public roads and bridges shall be established, changed, repaired, and kept in order as follows: The county court of Botetourt shall appoint a board of six commissioners of roads, two for each magisterial district, who shall hold office for the term of two years, and the first term shall commence July first, eighteen hundred and ninety-two, but the first appointees under this act shall enter upon the duties of their office immediately upon receiving the same. The said board shall be, and is hereby, declared, a body politic and corporate under the name and style of the board of road commissioners of the county of Botetourt, and by such name may sue and be sued.

3. The said board shall have control of all public roads and bridges within the county, the disbursing of taxes, and the directing of all labor imposed for repairing the roads and bridges and keeping the same in order.

4. Each of the said commissioners shall qualify before the county court of Botetourt, or the judge thereof in vacation, by giving bond with approved security in the penalty of five hundred dollars conditioned for the faithful performance of their duty, and by taking the oath of office, which shall be recorded by the clerk of said county as the qualification and bonds of other county officers are recorded.

5. The board shall, immediately upon their qualification, organize by the election of one of their number as chairman and another as secretary.

6. Immediately upon their organization under this act the said board shall divide each magisterial district of the

county into two sub-districts, and assign one of their number to each sub-division; they shall carefully examine all the public roads of the county, but in making said examination it shall not be necessary that more than two of them shall go together: provided, that the commissioner of each sub-district shall examine the roads in his own sub-district with one other commissioner from another district; they shall take a note of the public roads in the county, their character and condition. Upon such examination the board shall, at least four being present, proceed to divide all of the roads of the county into three classes. The first class shall consist of such roads as are generally and frequently used by the public, and highways used in common by several or more neighborhoods; and these shall be called highways. The second class shall include all roads for neighborhood purposes and roads leading into the public highways; and these shall be called county roads. The third-class roads shall be such as are used by a few individuals, and have been opened for the use and benefit of said individuals, or for their farms. The first class, or highways, shall be repaired and kept in order by contract or by means of hired labor, as hereinafter provided. The second class, or county roads, shall be repaired and kept in order by the labor hereafter provided, and such appropriations as may be made to them by the said board. The third class, or private roads, shall be kept up by the parties benefited by said roads, as they may see fit.

7. The road precincts shall remain as now laid out and described by metes and bounds, until changed by the road commissioners. The said board shall have power, and it shall be their duty, to make such changes therein as they may think proper. The supervisors now in charge of roads shall continue to discharge their duties, when this law goes into effect, until their successors are appointed, and qualify under this act. The road commissioners shall take charge of and provide for keeping in repair all first and second-class roads of the county, and to this end may, at their discretion, between the fifteenth and twentieth days of May in each year, or as soon thereafter as practicable, let to contract the said highways, in such sections as they may prescribe, at public letting to the lowest bidder, for the term of not less than one nor more than two years—the said letting to be made by the two road commissioners of each magisterial district as to the highways in said district; and the said commissioners shall report the same to the board, which shall have power to reject any and all bids. The specifications of work to be done upon each section, and the condition in which the same is to be kept, shall be such as in the judgment of those who have examined the same,

the said highway will require and shall be written out and made known at the time of the letting. The board of road commissioners at their annual June meeting hereinafter provided for, shall examine the bids made for each section, and if no reason appear to the contrary shall confirm said letting, and the commissioner of the sub-district shall enter into a written contract with the person to whom the road, or section, is let, which contract shall be in accordance with the terms of letting, and in a penalty of not less than fifty dollars, nor more than double the contract price and with security to be approved by the board. If any road or section remains unlet by reason of there being no bid, or any other reason, the commissioner in whose sub-district the road or section may be, may take charge of the said road or section and put and keep it in repair, and to this end employ teams, hands, and so forth, paying for the same the customary price for labor in that portion of the county, and agreed upon by the board. He shall keep an accurate account of such work and expenses and make oath to the same, and report it to the board, and, if found to be correct, the board shall allow the same.

8. If the board shall so elect, they may take charge of any portion of the highway as classified by them, and repair and improve and work the same with the chain-gang of the county where one is established, under section twenty-four, chapter eleven, criminal code, acts of assembly eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, or the board may, in its discretion, appoint an overseer of such portions of a highway as they may select, and have said portion worked by hiring hands and teams, and pay the same as other payments are made under the seventh and twenty-sixth sections of this act.

9. Annually, not later than the first of July, the road commissioners may appoint overseers for second-class roads if they may think it advisable. The said overseer shall reside in the precinct for which he may be appointed.

10. The duty of the overseer of roads shall be to see that the roads in his precinct are kept in good repair; that the bridges and crossings for foot passengers are in safe condition; that the roads are necessary width, well drained, and free from obstruction; that all dead trees near the road are cut down, and all loose stones removed from the roads; that neat signboards are kept at all forks and crossings of public roads, plainly indicating the most noted place to which the road leads and the distance thereto. He shall perform such other duties as may be required by law.

11. All male persons in said county over eighteen and under fifty-five years of age, except such as are exempt by the general road law, shall be compelled to work two

days in each year on some road as near as practicable to his place of residence, when notified by the road commissioner, overseer, or their agent, such notice being served upon them in person, or left at their place of residence, and for failure to work when so notified, shall pay a fine of seventy-five cents for each day he fails to work (if a minor his parent or guardian shall be liable) to be paid to the commissioner, or overseer within thirty days thereafter; not less than ten hours of actual labor shall constitute a day's work under this act: provided, that residents of an incorporated town in the county which keeps its own streets in good order, and provides for its own poor shall be exempt from the labor required in this section of this act.

12. Each overseer shall, within forty days after he has worked the roads in his precinct, make a report in writing to the road commissioner of his sub-district, showing what work was done on his roads; what persons attended and worked, and how long each worked; what persons fail to obey his summons and work as required; and if any such have paid fines to him, the amount he has received, and make oath to the same. And he shall pay the said commissioner the amount so received. The commissioner shall make out a ticket against each party so liable, for the amount of fine aforementioned, with twenty per centum added thereon for cost of collection, and shall place said ticket in the hands of a constable, or the sheriff of the county, taking his receipt for the same; said officer shall proceed to collect the same as other fines are collected, and shall pay the amount so collected, less the cost of collection, over to the commissioner who holds his receipt, said amount to be credited to the road fund of the sub-district in which it is collected.

13. On the first day of June and December of each year, or as soon thereafter as practicable, the board shall meet at the court-house and audit all claims against the road fund of the county, including the accounts of commissioners and overseers, which account shall be verified by affidavit; and the said board shall draw their warrant, signed by the chairman and countersigned by the secretary, upon the treasurer of the county, who shall pay the same out of the treasury. The treasurer of the county shall furnish the said board, at their said meetings, a statement of the amount on hand to the credit of the road fund, and no money shall be paid out of said road fund, except upon the warrant of the board of road commissioners, and the said board shall not draw warrants for a greater amount than is in the treasurer's hand when the warrants are drawn. And at their June meeting the board shall determine what amount in their judgment will be necessary to open new roads, work and keep in repair the

highways and county roads for the ensuing year: provided, when the cost of altering or changing a road, or opening a new road, to be in their judgment too burdensome to be paid in one year, they may, in their discretion, provide for the same in not exceeding three annual instalments. They shall certify the amount so ascertained to the board of supervisors at their annual meeting in July, and the board of supervisors shall levy a road tax to meet the same, not exceeding fifteen cents on the one hundred dollars' worth of the real and personal property of the county, including railroads, to be collected as other county levies; also a tax on the licenses as adjusted for state taxes, not exceeding ten per centum of the state tax on said licenses and said levies, to be made upon all the persons and property liable to other county levies, anything in the charter of any incorporated town in said county to the contrary notwithstanding; and in addition thereto, the board of supervisors shall provide out of the general levy for the building and keeping in repair all bridges over ten feet long in said county, the amount necessary for that purpose to be ascertained by the board of road commissioners and reported to the board of supervisors, and the amount so provided is to be expended only on the bridges over ten feet in length; and the board of road commissioners shall keep an accurate account of all its proceedings in a well-bound book prepared for that purpose.

14. The commissioner of roads shall have general supervision of all roads and bridges in his sub-district. The overseer of roads in his sub-district shall be under his authority and subject to his orders, and the commissioner shall have authority to direct what work shall be done by the overseer, how the county roads shall be repaired, and on what part of the precinct labor shall be bestowed; but in the absence of such directions the overseer shall control the same. It shall be the duty of the commissioner to see that all the roads in his district are the proper width, and in all cases where they are not, to notify the person trespassing by written notice, and if the obstructions are not removed within thirty days he shall direct the contractor in the highway or the overseer of the precinct to remove the fencing or other obstruction, and may recover the expenses, with costs, from the trespasser upon a judgment of a justice of the peace. The commissioner shall examine all the roads (both highways and county roads) in his sub-district at least twice in each year in the months of May and November, and also whenever so requested by not less than three tax-payers of a precinct. He shall view any road complained of, and see that the roads and bridges are kept in good repair by the contractor and overseers, and if at such times, or at any other time, he shall find any over-

seer or contractor delinquent, he shall give him notice in writing, and on his failure to comply with the law or his contract for ten days thereafter, shall make the necessary repairs of the highways, and enforce payment thereof by proceeding before a justice of the peace without limit as to the amount, which recovery shall embrace cost of recovery, including two dollars a day for said commissioner while attending to said repairs, with the right of appeal to the county court if the sum recovered exceeds twenty dollars. In case an overseer is delinquent, it shall be the duty of the commissioner to report the same to the attorney for the commonwealth, who shall cause the commissioner and such other witnesses as may be known to him to appear before the grand jury to testify in said matter. Any overseer of a road who shall fail to perform any duty required of him in this act shall pay a fine of not less than five nor more than thirty dollars, which fine shall be paid by the officer collecting the same into the county treasury, to be credited to the road fund.

15. But if upon the semi-annual examinations the commissioner shall find that such contractor or overseer has executed his contract, or performed his duty according to the law and his contract, he shall give him a certificate to that effect, with a statement showing the amount contractor or overseer is entitled to receive under his contract for his services.

16. Whenever in the opinion of the commissioners of roads of a sub-district it is necessary, or whenever a citizen desires to alter, change, or discontinue a public road, to open a new road, build a bridge, or establish a ferry, such persons shall apply to the county court for the same, and the county court shall appoint four of the commissioners of roads (the commissioner of sub-district in which the change is proposed to be made being one, any three of whom may act, the said commissioner of the sub-district being one), to view the ground of any new road, bridge, landing or ferry, or any proposed change. The county surveyor or other competent surveyor shall accompany the viewers, and, if necessary, survey and map the road.

17. Notice of the time and place of the meeting of the viewers shall be given by the commissioner of the sub-district, by written or printed notices in the vicinity of the proposed road, at least five days before the time of meeting. The viewers shall, on the day named, go upon the ground and examine the same; they may view and make a report of any estimate for any modification of the work. If they decide there is a necessity for the road or change, they shall lay out the same, having respect for the shortest distance and best ground, and so as to do the least injury to private property, and also as far as practicable to be agreeable to the petitioners. They shall assess the damages

done to the land through which the road passes, taking into consideration the advantages to be derived from the road passing through the land, and shall report in writing to the next term of the court the probable amount of damages, cost of construction, and such facts as will enable the court to determine the propriety of opening said road. Although it may appear that no more than a few, or even one person, will be benefited by the opening of any road, yet the court may, in its discretion, cause said road to be opened, requiring such beneficiary and the county respectively to pay such part of the damages, expenses of construction, cost of repair, from time to time, as to the court may seem right. That upon the return of the report of the viewers, the owner, his guardian, or committee, if within the county, if not, the occupier of the land upon which the said road will be, if established, shall be summoned to show cause against said report, and any proprietor or tenant of lands on which said road will be, if established, or the commissioner of roads may enter himself a party defendant to said petition, after which the same proceedings shall be had as under the general road law of the state. The court may, at its discretion, grant a second view by the other commissioners of roads.

18. That the court shall examine the amount of damages assessed and the probable expense of opening the road, and if satisfied that the public interest will be subserved by opening the road, or the proposed change, shall approve the report and order the damages to be paid, as determined under the preceding section, and shall cause the clerk to deliver a copy of the order establishing, changing, or altering the road to the commissioners of roads in whose district or districts the road may be. The commissioner shall embrace the amount of damages, cost, and expenses of opening or changing the road and keeping it in repair in his estimate of road tax to be laid before the board of road commissioners.

19. That if the court decides against the application to alter, change, or open a road, it may require the cost to be paid by the petitioners or by the court, as to the court may seem just.

20. The viewers shall be paid two dollars per diem for their services, and the surveyor two dollars and fifty cents per diem.

21. The commissioner receiving the said order of the county court, shall lay the same before the board of commissioners, and then shall direct to what class any new road shall be assigned, and in case of a highway they shall let the same to contract as provided in seventh section. In case of a county road, if in their opinion the road or the proposed change can be made by the overseer of the precinct with the tools and labor at his com-

mand, they shall direct the same to be done; if not, they may let the same to contract or direct the commissioner of the sub-district to hire teams and labor, and make the same.

22. The commissioner may order any change in a road in his sub-district which may be agreed to by the board, which does not involve the condemnation of lands or payment of damages as where the land owners consent.

23. The board shall furnish all necessary tools, implements and other things necessary to work the roads under this law, and may for their purposes, purchase and hold wagons, horses, mules, or oxen, or any machinery used for making or working roads. The commissioner shall collect together all the tools, and so forth, belonging to the county now in the hands of overseers of roads in his sub-district, and shall issue them to the overseers appointed under this act, to be used by them for working the road, taking their receipts therefor, and after, on the demand of the commissioners, the overseer shall return said tools, and so forth, to the said commissioner, and the overseer shall be responsible for the same while in his possession.

24. It shall be the duty of the attorney of the commonwealth to represent the road commissioners in all matters affecting the public roads in the courts of record in the county and also to proceed against said commissioners on their official bonds or otherwise for any dereliction of official duty.

25. The county treasurer shall, annually, at the July meeting of the board of supervisors settle and adjust before said board his account with the road fund. The said board shall charge him with the full amount of the road tax levied in the county and all sums collected from delinquent contractors and from all other sources, and shall credit him by his commission, delinquent, and all payments made by him for which he has the proper voucher.

26. The commissioners shall receive as compensation two dollars per diem for ten hours of time actually employed in discharge of their duty: provided, that in no case shall they receive over one hundred dollars in any one year, except that he shall be paid one dollar and fifty cents for each day he may be employed superintending work on his roads and each overseer shall receive one dollar per diem for ten hours exclusive of the days required of him by law.

27. The general road law of the state, except so far as the same is in conflict with this act, shall be enforced in Botetourt county.

28. All acts and parts of acts inconsistent with this act are hereby repealed.

29. This act shall go into effect on the first day of May, eighteen hundred and ninety-two.

CHAP. 344.—An ACT for the retirement of bonds held by schools and colleges, and the issuing of registered certificates therefor, and providing for the payment of interest thereon.

Approved February 23, 1892.

Whereas, the friends of education have voluntarily contributed many millions of dollars for the establishment of schools and colleges in different parts of the state of Virginia, a large portion of which has been expended in the purchase of lands and the erection of suitable buildings thereon, and the residue held as permanent endowments, about two millions of which are in state bonds; and

Whereas, it appears from acts passed by the general assembly in eighteen hundred and sixty-seven, and at various other times since then, to be the settled policy of the state to encourage these efforts for the education of her citizens, and to co-operate with the generous donors of her bonds, by paying full interest thereon so long as they shall be held as endowments for educational purposes; and

Whereas, it is proper that all obligations of the state held by schools and colleges be of the same character, and on the same footing; therefore,

1. Be it enacted by the general assembly of Virginia, That the schools, colleges, and other educational organizations hereinafter named, shall, through their duly authorized officers or agents, on or before the first day of July, eighteen hundred and ninety-two, surrender to the second auditor all evidences of the state's indebtedness which they hold as endowments for educational purposes.

To surrender evidence of the state's indebtedness.

2. That said auditor shall make and keep a record of all bonds and other evidences of the state's indebtedness so surrendered to him, and shall, in the presence of the auditor of public accounts and treasurer, cancel all such evidences of debt, and issue to those by whom they have been surrendered registered certificates of debt for the respective amounts of the bonds and other evidences of debt surrendered by them.

Evidences of debt to be cancelled.

3. That these certificates shall be non-transferable and redeemable at the pleasure of the state, and shall set forth that the state of Virginia is due the respective schools, colleges, and other educational organizations of learning to which they are issued the sums named therein, and that interest thereon shall be paid semi-annually at the rates and for the amounts now paid by the commonwealth, as set forth in the report of the second auditor for the fiscal year ending September thirtieth, eighteen hundred and ninety-one, including in addition thereto interest on the amount herein named held by the Randolph-Macon woman's college, at the rates set forth in the bonds it

When certificate redeemable.

holds, so long as they are held as endowments for educational purposes.

Duty of second auditor.

4. That the second auditor shall, upon the first day of January and July of each year, draw his warrant upon the auditor of public accounts in favor of the following holders of the said certificates for the respective amounts due them at the aforesaid rate of interest upon the following sums, to-wit:

Washington and Lee University, upon the sum of two hundred and thirty-six thousand seven hundred and fifty-eight dollars and twenty-three cents.

The Virginia Military Institute, upon the sum of twenty thousand dollars.

Emory and Henry college, upon the sum of six hundred dollars.

Leesburg academy, upon the sum of two thousand and five hundred dollars.

New London academy, upon the sum of six thousand and five hundred dollars.

Randolph Macon college, upon the sum of nineteen thousand seven hundred and eight dollars.

University of Virginia, upon the sum of one hundred and forty-eight thousand and six hundred dollars.

Richmond college, upon the sum of forty-four thousand and seventeen dollars and nineteen cents.

Hall's free school, upon the sum of four thousand and eight hundred dollars.

Seminary and high school, Alexandria, Virginia, upon the sum of fifty-nine thousand and nine hundred dollars.

William and Mary college, upon the sum of thirty-five thousand and nine hundred dollars.

School commissioners of Prince William county, upon the sum of one thousand and four hundred dollars.

Hampden Sidney college, upon the sum of ninety-six thousand and three hundred and fifty-three dollars and thirty-three cents.

Name of college, etc.

Union theological seminary, upon the sum of one hundred and thirty-seven thousand and six hundred and ninety-five dollars.

Miller manual labor school, of Albemarle, upon the sum of one million and forty-four thousand and eight hundred and sixty-eight dollars and forty-nine cents.

Virginia agricultural and mechanical college, upon the sum of three hundred and forty-four thousand and three hundred and twelve dollars.

Hampton normal and agricultural institute, upon the sum of one hundred and seventy-two thousand and one hundred and fifty-six dollars.

Randolph Macon woman's college, upon the sum of forty-nine thousand and six hundred dollars.

The Dawson fund, thirty-four thousand one hundred and eighty-seven dollars and sixty-one cents.

5. This act shall be in force from its passage.

CHAP. 345.—An ACT for the relief of John C. Hall, treasurer of Franklin county.

Approved February 25, 1892.

Whereas John C. Hall, treasurer of Franklin county, ^{Preamble.} caused a copy of the list of delinquent real estate in the county of Franklin, for the years eighteen hundred and eighty-nine and eighteen hundred and ninety, to be inserted in the Franklin Times (a newspaper published in said county, pursuant to section six hundred and thirty-seven of the code of Virginia); and whereas the state's part of the cost of this insertion amounted to twenty-one dollars for the year eighteen hundred and eighty-nine, and twenty-one dollars for the year eighteen hundred and ninety: and whereas the auditor has paid to the said treasurer, on behalf of the state, on account of the cost of said printing, the sum of five dollars for eighteen hundred and eighty-nine, and the sum of five dollars for eighteen hundred and ninety, and declines to pay the balance of said cost on the ground that there is no authority in law for him to do so; and whereas this leaves a sum of thirty-two dollars which the said treasurer had to pay before he could get the publication of the said list in the said newspaper; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, ^{Auditor to issue warrant.} directed to issue his warrant in favor of John C. Hall, of Franklin county, for the sum of thirty-two dollars.

2. This act shall be in force from its passage.

CHAP. 346.—An ACT to provide for the payment of the salaries of the clerk, sheriff, and commonwealth's attorney of Goochland county.

Approved February 25, 1892.

Whereas it is conceded that in the enumeration of the inhabitants of the county of Goochland, at the last census, the names of a large number of persons were omitted by the enumerators; and whereas it is believed that a correct enumeration of the inhabitants of the said county would show a population exceeding ten thousand; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the said county be, and they are hereby, authorized to make to the clerk, sheriff, and commonwealth's attorney of the said county of Goochland an annual allowance of four hundred dollars each.

2. This act shall be in force from its passage.

CHAP. 347.—An ACT to incorporate the James river academy.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That H. H. Harris, W. C. Foster, C. H. Ryland, F. W. Boatwright, D. A. Christian, R. B. Hudgins, W. L. Boatwright, F. N. Maxey, James M. Newman, W. W. Putney, W. R. Putney, J. S. Adams, J. B. Godsey, L. R. Thornhill, J. H. McRae, C. W. Dickinson, J. P. Prophet, M. J. Taylor, D. M. Bryant, William J. Watson, J. W. Forbes, J. H. Gilliam, S. P. Taylor, Addie Spencer, A. M. Bauton, B. F. Nuchols, W. E. McCraw, C. C. Perkins, C. C. Johnson B. G. Rush and their successors and such others as they may associate with them, to a number not exceeding thirty at any one time, be, and are hereby, constituted a body corporate, under the name and style of the James river academy.

2. The said corporation shall have the right to receive property, real and personal, by gift, purchase, or bequest, and to administer the same according to their best judgment for the establishment and conduct of a school of high grade in the county of Buckingham, or in the county of Cumberland, with all other privileges and powers necessary thereto under the laws of the state.

3. The said corporation shall have power to elect officers, prescribe their duties, require bond and security of the custodians of its funds, appoint and remove teachers and other officers of the school, fix terms of admission for pupils, and to do, subject to the laws of the land, whatever else may be necessary for the efficiency of the school. They shall at their first meeting under this act fix a time for an annual meeting, and provide for called meetings if necessary. At any meeting not less than seven shall constitute a quorum.

4. Vacancies in the corporation shall be filled by selection from a list of nominees, not less than two for each vacancy, to be furnished by the James river Baptist association. But if the said association shall fail after due notice to make nomination, the corporation may fill vacancies on its own nomination.

5. This act shall be in force from its passage.

CHAP. 348.—An ACT for the relief of Charlotte A. Ledbetter, the widow of a Confederate soldier.

Approved February 25, 1892.

Whereas J. W. Ledbetter, the husband of the said Charlotte A. Ledbetter, was a brave and true soldier of the army of the late Southern Confederacy; and whereas he contracted a deadly disease while a prisoner of war, and died thereof thirty-five days after his release, namely, June fifteenth, eighteen hundred and sixty-five; and whereas his widow, the said Charlotte A. Ledbetter, is now living in the most abject poverty; and whereas, under the existing pension laws, the said Charlotte A. Ledbetter is not entitled to a pension; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to list the claims of the said Charlotte A. Ledbetter for a pension of thirty dollars per year.

2. This act shall be in force from its passage.

CHAP. 349.—An ACT for the relief of Lewis Hobson from part payment of a fine.

In force February 25, 1892.

Whereas it has been certified to the general assembly by the circuit court of Hanover county that in the opinion of the said court, Lewis Hobson should be released from all the fine of one hundred dollars imposed upon him by the county court of said county, at the July term thereof, eighteen hundred and ninety-one, except twenty-five dollars thereof; therefore,

1. Be it enacted by the general assembly of Virginia, That Lewis Hobson be, and is hereby, relieved from the payment of all the fine imposed upon him by the county court of Hanover county at the July term of said court, eighteen hundred and ninety-one, except twenty-five dollars thereof.

2. This act shall be in force from its passage.

CHAP. 350.—An ACT to amend and re-enact subdivision 6 of section 185 of the code of Virginia, in reference to the salary of the judge of the corporation court of the city of Manchester.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That subdivision six of section one hundred and eighty-

five of the code of Virginia be, and the same is hereby, amended and re-enacted so as to read as follows:

Salaries.

Sixth. The judges of the hustings and corporation courts, the following sums, respectively, to be paid out of the treasury of their respective corporations: the judge of the hustings court of Richmond, the sum of two thousand three hundred dollars; the city judge of Norfolk, the sum of two thousand dollars; the city judge of Petersburg, the sum of one thousand eight hundred dollars; the city judge of Lynchburg, the sum of two thousand five hundred dollars; the city judge of Alexandria, the sum of fourteen hundred dollars; the city judge of Portsmouth, the sum of thirteen hundred dollars; the city judge of Staunton, the sum of twelve hundred dollars; the city judges of Fredericksburg and Danville, each the sum of seven hundred dollars; the city judge of Winchester, the sum of five hundred dollars; the city judge of Manchester, a sum not less than eight hundred nor more than *two thousand* dollars, and the city judge of Roanoke, a sum not less than *seven* hundred and fifty nor more than one thousand dollars; to be fixed by the councils of said cities respectively: provided, that when the same person shall be elected judge of a county and also a city or corporation court therein his aggregate salary shall not exceed the sum of thirteen hundred dollars.

2. This act shall be in force from its passage.

CHAP. 351.—An ACT to amend and re-enact subdivisions 1 and 2 of section 3057 of code 1887, in relation to the first and second judicial circuits.

Approved February 26, 1892.

Be it enacted by the general assembly of Virginia, That subdivisions one and two of section three thousand and fifty-seven of the code of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

First circuit.

1. § 3057. The counties of Norfolk, Princess Anne, Nansemond, Isle of Wight, Southampton, and the cities of Norfolk and Portsmouth shall constitute the first circuit.

Second circuit

2. The counties of Brunswick, Chesterfield, Dinwiddie, Greenville, Nottoway, Prince George, Sussex, Surry and the city of Petersburg, shall constitute the second circuit.

3. This act shall be in force from its passage.

CHAP. 352.—An ACT to apportion the school fund of Russell county among the several school districts according to school population.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the county school fund in the county of Russell shall be apportioned to the different school districts in said county in proportion to the number of school children in said districts.

2. This act shall be in force from its passage.

CHAP. 353.—An ACT to amend section two of chapter 594 of the acts of the general assembly of Virginia 1889-'90, being an act to incorporate the Southwest Virginia boom and log company.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of chapter five hundred and ninety-four of the acts of the general assembly of Virginia of eighteen hundred and eighty nine and eighteen hundred and ninety, approved March fourth, eighteen hundred and ninety, being an act to incorporate the Southwest Virginia boom and log company, be amended so as to read as follows:

§ 2. The capital stock of said company shall not be less than five hundred dollars nor more than fifty thousand dollars, as may be determined by the stockholders at any general meeting, which stock shall be divided into shares of the par value of one hundred dollars each: and the directors may receive real or personal property or services in payment for the capital stock at such value as may be agreed upon between the directors and subscribers.

2. This act shall be in force from its passage.

CHAP. 354.—An ACT to amend and re-enact section 9 of an act to provide for the working of the roads in the county of Russell, approved February 26, 1886.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of said county, be, and they are hereby, authorized and empowered, at their regular meeting prior to the first of July in each year, lay a

levy on all the taxable real and personal estate in said county, sufficient to keep all of said roads in the condition and repair in which the law requires the same to be kept: provided that the tax shall in no case exceed thirty cents on the hundred dollars in any one year, which levy, when collected, shall be placed by the treasurer to the credit of the road commissioner. The board of supervisors of said county, after laying the levy for the road tax as above provided, shall proceed to make an estimate of the amount the levy will yield, taking the land and property books of the preceding year as a basis, and after informing themselves by the road commissioner's report as to the number of miles of road in each district and the number of hands liable under the law to work on roads, and the probable amount of money it will require after working the hands as the law directs to keep the roads in repair, and upon such information they may apportion the road funds as to them may appear just to each district.

2. This act shall be in force from its passage.

CHAP. 355.—An ACT to allow J. W. Kay to erect a wharf on Chuckatuck creek.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That J. W. Kay, of the county of Nansemond, be authorized to erect a wharf on Chuckatuck creek, opposite the home of said J. W. Kay, provided said wharf shall not obstruct navigation on said creek.

2. This act shall be in force from its passage.

CHAP. 356.—An ACT to amend and re-enact an act entitled "An act to enlarge the powers of the town of Buchanan, in the county of Botetourt," approved March 8, 1890.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the trustees or council of the town of Buchanan be, and are hereby, authorized to change the name of said town; to extend its corporate limits to a point one and a half miles west of its present western limits on either side of James river; to allow the use of its streets for street or other railways, and to condemn land therefor in any man-

ner not inconsistent with the laws of Virginia governing the condemnation of lands for such purposes; to borrow money and secure the same by an issue of bonds for the purpose of improving the streets and to build water-works, gas-works, and electric-light works; and to unite, consolidate, or merge with any other city or town now or hereafter chartered under the laws of Virginia.

2. This act shall be in force from its passage.

CHAP. 357.—An ACT to provide for the working of roads in the county of Washington.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county of Washington, after the first day of March, eighteen hundred and ninety-two, to locate, change and repair highways, roads, and bridges as follows:

2. That for each magisterial district in the county there is hereby created and established a board consisting of the supervisor, a commissioner of roads, and one of the justices of the peace for each district, which board shall have the control of the roads, bridges and ferries within its limits, except as hereinafter provided in section twenty-three, and all taxes levied for road purposes and for building and repairing bridges shall be expended in said magisterial district, except as hereinafter provided. The justice of the peace constituting a member of said board shall be chosen and designated by the supervisor and a road commissioner, constituting the two other members of the board, and if they cannot agree, said justice to be designated by the judge of the county court; and the commissioner of roads shall be appointed by the judge of the county court, as hereinafter provided. The designation of the justice who is to serve on said board shall be in writing, and shall be preserved and recorded by the district road board. The board hereby created and constituted shall be known and designated as the district road board for ——— magisterial district.

3. That the district road boards hereinbefore constituted shall as soon as convenient divide into precincts of convenient length all the county roads in their several districts, and appoint an overseer for each precinct, and they shall further allot the hands to work on the roads in the same; and they shall report to the county road board as may be their action in the premises, who may also have power to lay off, alter, or re-arrange any precinct within the county.

4. That annually there shall be appointed by the said board not later than the fourth Saturday in May in each year, one overseer of roads for each precinct under section third, whose term of office shall be for one year, beginning on the first day of July succeeding his appointment. He shall reside in the precinct for which he shall have been appointed, and shall have charge of the roads of his precinct. If such overseer refuse to serve after being appointed, or fail to work the roads in his precinct, he shall be liable to a fine, on presentment by the grand jury, not exceeding fifty dollars; but any person, after being overseer for two consecutive years, may give up his office on producing a certificate from the road commissioner or other satisfactory evidence that the roads in his precinct are in proper order, and he shall not within two years thereafter be appointed overseer without his consent.

5. That his duties shall be to see that the roads in his precinct are kept in good repair, that the bridges are in a safe condition, that the roads are kept free from obstruction, that all loose stones are removed, and he shall contract for all tools and implements necessary for working the roads, subject to the approval of the commissioner of roads, and shall have custody of the same, and shall perform such other duties as may be prescribed by law, or directed by the district road board. His compensation shall be one dollar per diem for each day actually employed, to be on the approval and warrant of the county road board hereinafter constituted: provided no warrant shall issue under this section unless said board is fully satisfied that said overseer has faithfully performed his duties as required by this act.

6. That annually, at the May term of the county court, there shall be appointed by the judge of the court, for each magisterial district, one commissioner of roads, whose term of office shall be for one year, beginning on the first day of July next succeeding his appointment. He shall reside in the district for which he is appointed. Each commissioner of roads thus appointed shall qualify before the judge of the county, in court or during vacation, and shall at the time of his qualification give bond with good personal security in not less than three hundred dollars nor more than fifteen hundred dollars.

7. That the commissioner of roads shall have charge of all of the roads in his magisterial district. His duties shall be to see that all the roads in his district have a proper width, and in all cases where they are not, to notify the persons trespassing by written notice; and if the obstructions are not removed after reasonable notice, not to exceed thirty days, he shall direct the overseer of the district to remove the fencing or other obstructions, and may recover the expenses thereof, with costs, from the

trespasser upon warrant before a justice of the peace or a court of competent jurisdiction. He shall thoroughly examine the roads in his district four times in each year, in the months of April, July, October and December, and see that the roads and bridges are kept in good repair by the overseers or contractors, as the case may be; and if he shall find any overseer or contractor delinquent, he shall give him notice in writing, and on his failure to comply with the law or his contract, shall make the necessary repairs, and at once notify the attorney for the commonwealth, who shall proceed against the delinquent and enforce payment thereof by warrant before a justice or action at law; but if upon such examination he shall find that such contractor or overseer has executed his contract or performed his duty according to the law or his contract, he shall give him a certificate to that effect, with a statement showing the amount such contractor or overseer is entitled to have offset against his road tax, such certificate to be given before the time fixed for the collection of said tax; and where work has been done by any person other than a contractor, under the direction of the overseer, it shall be the duty of such overseer to give a like certificate. His compensation shall be one dollar and fifty cents for each day in which he has been or may be actually employed in discharging his duties under the provisions of this act, and to be after and only so far as the same shall be approved by the county road board, who shall issue their warrant for the same upon the treasurer of the county, to be paid out of the county treasury: provided, however, the amount of said allowance shall not for one commissioner for any one year exceed forty dollars; and provided that no warrant shall issue under this section unless said board is fully satisfied that said road commissioner has faithfully performed his duty as required by this act. The supervisor and justice of the peace constituting members of the district road board of their respective districts shall be allowed for their services as such, one dollar each per diem: provided, however, the sum allowed each of them for their services as such shall not exceed the sum of five dollars for any one year, to be allowed and paid out of the county treasury by warrant of the county road board as in the case of the commissioner of roads and the overseers.

8. That the district road board may, if ordered by the county road board, let to contract at public letting, to the lowest and best bidder, for a term not exceeding two years (except in cases of a new road, then it shall be let until the next general letting), any or all the roads or any part thereof. Of the time and place of which letting they shall give ten days' notice, by printed hand-bills posted in at least three places in each road district. The specifications

of such contract shall be such as will effectually open new roads, and constantly keep in repair and clear of all impediments to safe and convenient travel all public roads; and they shall embrace the making and maintaining of sufficient bridges over such streams and ravines as may need them; and in every case, except mountain roads, it shall be specified that the bed of the road shall be raised in the middle and slope to the side, where ditches sufficient to carry off the water shall be made and kept open: provided that the contract price shall in no case exceed the estimate made by said county road board.

9. That it shall be the duty of the said road commissioner and the overseer, within thirty days preceding the day of public letting, as may be directed in the preceding section of this act (and within the same period of time preceding the expiration of each and every term of years thereafter), to lay out and divide the public roads and highways in said districts into sections not exceeding two miles in length, which they shall number and describe in a book kept for that purpose. They shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair the said public roads and highways, with an estimate of the amount of money which will be required to improve and keep in repair each and every section of the said roads, respectively, for the term of years approved of and designated as provided for in section seven of this act. The road book herein provided for shall be returned to and preserved by said board, and shall be open to the inspection of any citizen of the county. And said book shall be delivered to the county board when required at any meeting for their inspection.

10. Each contractor shall sign his name (in a book to be kept for that purpose by the commissioner, and paid for out of the district road funds,) to a contract embracing all the specifications in relation to the roads contracted for by him, as provided by the eighth section of this act, as well as the contract price, the length of time contracted for, and the number and description of section or sections contracted for. All contractors shall give bond and security in such sum as the board shall deem sufficient in a penalty not less than twenty-five dollars nor more than double the contract price, said bond to be made payable to the county road board.

11. That if a contractor refuse or neglect to comply with the law or his contract, the commissioner of roads, upon complaint, shall as soon as practicable examine the road or section, and if the complaint is well founded shall give immediate notice in writing to the party to make or put his road or section in repair according to law or as the contract requires; and upon his failure to do so the overseer shall proceed to put the same in order, and the ex-

pense thereof, with costs of suit, shall be recovered in the name of the county road board from the contractor and his securities as other debts are recoverable. Said suits to be brought and attended to by the attorney for the commonwealth as soon as he is notified to do so by the commissioner of roads.

12. That if any section remain unlet by reason of there being no bidder, or the amount offered be deemed unjust, the commissioner of roads and overseer of the district may, subject to the approval of the county road board, let the same by private contract, the contract price not to be more than estimated by the overseer and commissioner of roads, and no supervisor of said county, or commissioner of roads, or overseer of the roads therein, or other persons authorized to represent the county in contracting for the working of any of the roads thereof, shall be in any way interested in any contract provided for in this act; and any violation of this provision shall render the contract null and void; and in case there be no contract, the overseer of the district, when ordered by the district road board, shall take charge of the road or section, and make or keep it in repair, and for that purpose may employ such number of laborers, teams, wagons, and plows as may be necessary, and a just allowance shall be made for the labor, teams, plows, and other implements which may be furnished by private individuals, such allowances not to exceed that paid by the county under the general road law for like services; and a day's work shall be fixed at ten hours.

13. That when any contractor shall die or remove from his district, and shall have fully complied with the conditions of his contract to the date of his death or removal, the commissioner of roads and overseer may release the said contractor from his contract, and shall let the sections from the remainder of the term in the same way and on the same conditions as at the first letting.

14. That every petition for a new road, or to lay out, open, alter, or change a public road, must first be presented to the commissioner of roads in the district in which the road is, or any part thereof, who shall endorse thereon his approval or disapproval of the same and his reasons therefor in detail; which petition and commissioner's report shall be laid before the county court at its next term, in open court, and the court shall appoint three discreet freeholders to view the ground of any new road or proposed change. The county or other competent surveyor shall accompany the viewers, and, if necessary, survey and map the road. The whole number of viewers must view, but a majority may decide for or against, and they may view and make report of and estimates for any modification of the route; or may, if they deem it proper, view and report on the advisability of an entirely new route.

15. That notice of the time and place when the viewers shall meet shall be given in some public manner in the vicinage of the proposed road at least five days before the time of meeting. The viewers, before they proceed to discharge their duties, shall be severally sworn by the commissioner of roads, or some other person authorized to administer oaths, to perform their duties impartially and to the best of their judgment. If they decide that there is public necessity for the road or change, they shall lay out the same, having respect to the shortest distance and the best grade, and so as to do the least injury to private property. They shall assess the damages done to land through which the road passes, taking into consideration the advantages to be derived from the road passing through the land, and shall report in writing to the next term of the court; but in no case shall any yard, garden, orchard, or any part thereof, be taken without the consent of the owner.

16. That the court shall examine the amount of damages assessed, and if satisfied the public interest will be subserved by its payment, and the opening of the road or the proposed change, shall approve the report and order the damages and the expense of opening or changing the road, to be paid by the magisterial district or districts through which the road may pass, in such proportion as the damages may have been assessed in the said districts respectively; but upon the return of the report of the viewers, the proprietors and tenants of land upon which said road will be, if established, shall be summoned to show cause against said report, and any proprietor or tenant of lands on which said road will be, if established, may enter himself a party defendant to said petition, after which the same proceedings shall be had as under the general road law of the state, upon the return of the report of the commissioner of roads: provided that the viewers and surveyor shall be paid out of the county treasury. But whenever the road to be changed or opened, or the bridge to be built, is of such public and general importance as to make it proper that the costs thereof shall be borne by the whole county, the court may so order, or certify the fact or facts to the county road board, who then may, if advisable, order the costs aforesaid to be paid by the county as aforesaid, and for that purpose may issue their warrants therefor.

17. That the county court shall, at the time when any new road is established, direct what width the road-bed shall be made, and shall have power to regulate the width of all roads: provided that the land condemned for any new road shall not be less in width than twenty feet.

18. That the court may at its discretion grant a second or third review, the viewers to be paid the sum of one dollar each per diem, and county or other surveyor two dol-

lars per diem, to be paid as provided for in section sixteen of this act.

19. The labor of the able-bodied citizens of each road district in said county or section thereof, not exempt under the present general road law of this state, shall be apportioned out by the commissioner and overseer of roads, or other person authorized to keep in repair the roads in such road district or section thereof; and such contractor shall have all the rights and remedies for requiring such able-bodied citizens to labor on the roads in their road district or the section thereof in which they reside, not to exceed two days in each year, and for collecting and enforcing the fines and penalties imposed by the general road law of this state for failing to work the roads when summoned so to do.

20. That the clerk of the county court shall keep a road docket, in which all proceedings in regard to roads in the county court shall be kept of record, and the court may designate at what terms of the court road cases will be heard by an order on the minutes of said court.

21. That in the case of a road or a line dividing two magisterial districts the commissioner of roads of the adjoining districts shall divide the said road between such districts in such way as will equitably divide the expense, if they can agree; and in case they cannot agree, the county court shall appoint these commissioners to divide the same and report to the court their decision, and it may direct what part of said road shall be opened and kept in repair by each magisterial district.

22. That under the direction of the commissioner of roads the overseer shall erect, at all points where roads cross or intersect or diverge from each other, suitable indicators showing the next most prominent place on the road and the distance. A failure to comply with this provision shall be punished by a fine of not less than five dollars for each offence, and any person who defaces, removes, or in any way injures any indicator shall be subject to a fine of five dollars, to be recovered by the commissioner of roads upon warrant and a judgment before a justice of the peace; and any overseer or contractor shall have power to enter upon any lands adjoining his road or section to make necessary repairs, drains, or ditches, and to have said drains or ditches constructed so as to do the least injury to the owner of said land as may be practicable for said purposes.

23. That the members of the several district road boards hereinbefore provided for shall constitute, and they are hereby declared to be, a body corporate, capable of suing and being sued, under the name of the Washington county road board, hereinbefore mentioned as the county road board. Said board shall meet within thirty days, or as

soon thereafter as called together by the county judge, and elect from their number a chairman and clerk, who shall be known as the chairman and clerk of the Washington county road board; and said clerk shall keep a minute of all proceedings held by said board in a book provided by said board. Said board shall meet at the county court-house at Abingdon, Virginia, regularly on the fourth Monday in June, or at any other time a meeting can be had by a call being signed by a member from each district road board in the county, and a copy of said call mailed to each member by the clerk of said county road board. A majority of said county road board shall constitute a quorum for the transaction of business, and a majority vote of said quorum, or of the entire board, if present, as the case may be, shall control the action of said board. It shall be the duty of said county road board, at its regular meeting required in the last section, to lay a road levy not exceeding twenty-five cents nor less than fifteen cents on every hundred dollars of value of property, real and personal, in said county, and to apportion the same among the several districts as the board may deem advisable; and after the levy of said taxes the clerk of said board shall immediately certify the same to the commissioners of the revenue, who shall thereupon extend the said taxes in the copy of their books to be delivered to the clerk of the county court and to the treasurer of the county.

24. Said county road board shall have the same powers to levy taxes and do any other thing in road matters as are now conferred upon the board of supervisors under the code of eighteen hundred and eighty-seven, and not inconsistent with this act. The members of said board shall be entitled to the sum of one dollar per diem for compensation for services under this act: provided, that it shall not exceed five dollars each in any one year; and it has power to make rules and regulations to carry out and put into effect the provisions of this act.

25. The said county road board, if it deems it advisable, is authorized to enter into a contract with the governor of this state for the hire of convicts, upon the terms hereinafter set forth, to work upon the public roads of this county, in a number not exceeding thirty, and for such time as may be deemed necessary, not exceeding two years; and the governor shall furnish said convicts if in the penitentiary or not otherwise contracted for under the laws of the state, and the said board is authorized to work said convicts upon the public roads of the county, improving such specified roads, one after the other, in the manner as said board, from time to time, may determine upon, in sections of not more than five miles alternately, and at different sections and at such points as may be definitely set forth in the minutes of their proceedings.

The said county road board may contract under this section for said convicts, and pay therefor out of the county treasury an amount sufficient to pay for transporting from and returning them to the penitentiary of the state, and feeding and lodging them, and superintendent for working same, so long as they are used in working upon the public roads of the county under the provisions of this act; and for this purpose they are authorized to levy a tax exclusive of tax hereinbefore provided, and for this purpose only, payable out of the county treasury, not exceeding five cents on one hundred dollars taxable value of property, real and personal, in any one year. It shall be the duty of the judge of the county court, upon contract for said convicts being made, to make such rules and regulations as may be deemed proper for the government of said convicts whilst employed under the provisions of this act, which rules and regulations, after being adopted, shall be certified to said county road board, to be entered of record upon its proceedings by the clerk of said board. And the judge of said county court shall appoint the necessary officers and guards to transport said convicts from the penitentiary to the county, and guard and properly work and care for the same whilst in the employment of same; and said judge shall also appoint a surgeon, who who shall render all necessary medical and surgical attention to the convicts, and to see that said convicts are properly fed, quartered, clothed and humanely treated, and report the condition of same to the said judge every month, a copy of which report, when examined by the judge, shall be forwarded to the superintendent of the penitentiary; the said guards and surgeon to be paid for said services reasonable sums out of the state treasury on warrants directed quarterly by said judge, but in no event are the allowances for same to exceed what the state allows at present for said services.

26. That the treasurer of the county shall collect the road tax in the same manner and at the same time and place as he receives the state and county taxes, and pay the same over to the commissioners of roads of the several districts. He shall be charged with the full amount of the road taxes levied for the year, and credited by all sums paid over in money or otherwise as herein provided. The treasurer shall receive as equivalent to money all accounts for labor, teams, plows, wagons, material furnished, or for services rendered in any way, when properly certified by the commissioners or overseer, and the same shall be receipted for by the commissioner as if paid to him in money. Each commissioner of roads acting under the provisions of this act shall settle with the county road board on the fourth Monday in June of each year, or as soon thereafter as the said board shall meet,

and account for all money received by him from the treasurer for road purposes, and pay over any balances in his hands to his successor in office, which shall be placed to the credit of the proper district road board and appropriated for road purposes. That all persons who shall make payment of road taxes on or before the first day of December shall be entitled to a deduction of five per centum; and any person failing to pay any road taxes to the treasurer by the first day of December shall incur a penalty equal in amount to that incurred for non-payment of state taxes, which shall be added to the road taxes and collected and accounted for as provided for in case of state and county taxes.

27. That the board of road commissioners shall annually, on the first Monday in June, credit, adjust, and settle the accounts of the treasurer for the preceding year. They shall charge the treasurer with the full amount of the road tax levied in the district, and shall credit him by his commissions, delinquents, and all payments made by him to the commissioner of roads for which he has the proper receipt. The treasurer shall receive the same per centum for collecting road taxes as for collecting the state revenues. He shall pay said road taxes received and collected by him upon warrants issued by the county road board.

28. Any person or persons causing water to be diverted from its natural course and conveyed across a public highway, or who, by the erection of waste-gates, or any other means, shall cause water to flow or to be conducted over such public highway, shall place, and keep in good repair, bridges over the same at his or her expense; and if the commissioner or overseer of roads shall notify such person or persons that his or their bridge is unsafe, and such person or persons shall fail to make the necessary repairs, he or they shall be held responsible for all damage, to be recovered by warrant before a justice of the peace or court of competent jurisdiction, that may result from such failure. Within ten days after such failure the commissioner or overseer may make said repairs, and require such party or parties to pay all costs thereby incurred, which costs may be recovered before a justice of the peace or court of competent jurisdiction, and the attorney for the commonwealth shall prosecute to judgment all cases under this section and all other sections of this act.

29. Any commissioner or overseer of roads failing to perform his duties under this act shall be liable to presentment or indictment by the grand jury, and shall, on conviction, be fined a sum not exceeding fifty dollars.

30. That every person required to work on public roads shall, either in person or by a sufficient substitute, when notified by the proper overseer of the road, attend with proper tools and work the roads on such days as the com-

missioner of the road may direct. For every day on which there may be a failure seventy-five cents shall be paid to the said road commissioner within thirty days thereafter by the person in default, if a person of full age, or if he be an infant, by the parent or guardian. If the money be not paid to the said commissioner within the time above specified, he shall make out a ticket against such delinquent party for the amount of said fine, with an addition of ten per centum for cost, which ticket shall be put by him into the hands of the constable of his district or the sheriff of the county for collection: provided, however, that such delinquent may, after notice to such commissioner, apply to the county court, or the judge thereof in vacation, or to the supervisor of his district, and for good cause shown have said fine released or remitted: provided further, that such delinquent may before the said ticket goes into the hands of the constable or sheriff discharge said fine by labor upon his road precinct. The officer having charge of the collection of such fines may distrain therefor or otherwise collect the same in the mode and manner prescribed for the collection of county levies. He shall account to the said commissioner for all fines collected by him, dividing the costs equally with the said commissioner, and shall return to the clerk of the county court annually at the March term of the county court a list of all fines so collected, with the names of the officers to whom the same have been paid, and the said clerk shall label and file the same in his office.

31. The general road law of this state, except in so far as the same is not in conflict with this act, shall be in force in the county of Washington, and all acts and parts of acts inconsistent with this act are hereby repealed.

32. This act shall take effect from and after the date of its passage.

CHAP. 358.—An ACT to advance money to the treasurer of Floyd county for use of public schools.

Approved February 25, 1892.

Whereas J. C. Barnard, treasurer of Floyd county, has paid into the treasury all of the taxes of eighteen hundred and ninety-one collected by him up to December, eighteen hundred and ninety-one, and will be unable to make further collections of said taxes to any considerable amount for some months, and consequently has not now nor will have for some time in his hands money with which to pay the teachers of the public schools; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized and directed to draw his warrant on the treasury in favor of J. C. Barnard, treasurer of Floyd county, for seventeen hundred dollars, as an advance to the public schools, to be used by said treasurer in payment of the teachers of the public schools of Floyd county, and to be repaid into the treasury by the said J. C. Barnard so soon as he collects a sufficient amount of the taxes of eighteen hundred and ninety-one to enable him to do so.

2. This act shall be in force from its passage.

CHAP. 359.—An ACT to give H. C. Shearer, late treasurer of Appomattox county, and his deputies, power to levy and distress to collect certain tax-tickets now in his hands.

Approved February 25, 1892.

Whereas H. C. Shearer, late treasurer of Appomattox county, has in his hands various tax-tickets for which he has accounted to the state and county; therefore,

1. Be it enacted by the general assembly of Virginia, That the said H. C. Shearer and his deputies shall have the same power of levy and distress as is now possessed by treasurers under the revenue laws, until December thirty-first, eighteen hundred and ninety-two, to collect the uncollected tax-tickets now in his hands for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine.

2. This act shall be in force from its passage.

CHAP. 360.—An ACT for the relief of George M. Ratcliffe.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the auditor of the state be directed to draw a warrant upon the treasurer in favor of George M. Ratcliffe for the sum of twenty dollars, that being the sum actually paid by him as expenses of himself and guard in conveying William Maddox, an adjudged dangerous lunatic, from the town of Dumfries, in Prince William county, to the Eastern lunatic asylum, in the town of Williamsburg.

2. This act shall be in force from its passage.

CHAP. 361.—An ACT to amend section 448 of the code of Virginia of 1887, providing for six commissioners of the revenue for the county of Loudoun.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section four hundred and forty-eight of the code of Virginia be amended and re-enacted so as to read as follows:

§ 448. Number of commissioners of the revenue; when and how districts changed; voters in a city not to vote for commissioners of a county.—There shall be four commissioners of the revenue for each of the counties of Bedford, Franklin, and Pittsylvania; three for each of the counties of Carroll, Grayson, Halifax, Hanover, Patrick, Shenandoah, Smyth, Tazewell, Campbell, and Lee; two for each of the counties of Accomac, Albemarle, Amherst, Bath, Botetourt, Brunswick, Buchanan, Buckingham, Caroline, Charlotte, Chesterfield, Culpeper, Cumberland, Dickenson, Dinwiddie, Fairfax, Floyd, Frederick, Fluvanna, Henry, Henrico, Louisa, Lunenburg, Madison, Mecklenburg, Montgomery, Nansemond, Nelson, Norfolk, Orange, Prince William, Russell, Roanoke, Scott, Southampton, Spotsylvania, Sussex, Stafford, Washington, Wise, and Wythe; one for each magisterial district in the counties of Augusta, Fauquier, Loudoun, Rockbridge, and Rockingham; one for every other county now existing, or which may be hereafter created; and one for each city; but the voters residing within any city shall not vote for the commissioners of the revenue for the county within the limits of which such city lies. In those counties in which there may be more than one commissioner, each shall be for a certain district, the bounds of which shall be as now laid off and established, and the county court of any of said counties may, annually, at the April term in any year, make any change in said districts which to it shall seem proper.

2. The six commissioners of the revenue for the county of Loudoun herein provided for and the five commissioners of revenue for the county of Fauquier, shall be elected on the fourth Thursday in May, eighteen hundred and ninety-five, and their respective terms of office shall commence at the expiration of the terms of the present commissioners of the revenue of said county.

3. This act shall be in force from its passage.

CHAP. 362.—An ACT to amend and re-enact sections 1, 5, 14 and 31 of an act entitled "An act to provide for the opening, altering, changing, and working the public roads of Madison county," approved February 22, 1890.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That sections one, five, fourteen, and thirty-one of an act entitled "An act to provide for the opening, altering, changing, and working the public roads of Madison county," approved February twenty-second, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the county court of Madison county shall, at its April term, eighteen hundred and ninety-two, and every four years thereafter, appoint three road commissioners for said county; and in making said appointments the said court shall appoint one commissioner from each magisterial district in the said county. The said commissioners shall hold office for a term of four years from the first day of May next succeeding their appointment, with duties and powers, and subject to the provisions hereinafter contained.

§ 5. The said commissioners shall qualify at the term of court at which they are appointed, and shall give bond, with security in a penalty of not less than one thousand dollars nor more than three thousand dollars, for the faithful performance of their duties as commissioners of roads.

§ 14. Between the first and thirteenth of April and September of each year the commissioner shall pass over and inspect every section of road in his district, and if any road or section is not in good order, or has not been worked according to contract, said commissioner shall at once notify the contractor of the fact, and if he does not within twenty days from the notice put the section in such repair as his contract calls for, then the commissioner shall have said road worked according to the terms of the contract, and the cost of such work, including two dollars per day for said commissioner while attending the same, together with the costs of recovery, and an additional sum of ten dollars per mile, or portion thereof, shall be recoverable of the delinquent contractor on his bond by the commissioner before a justice of the peace of the district, without limit as to the amount, with the right of appeal to the county court if the amount recovered exceeds twenty dollars. The amount recovered shall, except costs, be paid to the treasurer of the county, to be by him credited to the road fund of the district.

§ 31. The commissioner shall receive as compensation one hundred dollars per annum, to be allowed by the board of supervisors out of the county levy as other allowances are made.

2. This act shall be in force from its passage.

CHAP. 363.—An ACT to amend and re-enact sections 2131, 2133, 2134, 2135, 2137, 2148, 2151, 2153, and to repeal sections 2141, 2142, 2143, 2144, 2145 and 2147 of chapter 97 of the code of Virginia, in relation to oysters, and to add independent sections thereto.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That sections twenty-one hundred and thirty-one, twenty-one hundred and thirty-three, twenty-one hundred and thirty-four, twenty-one hundred and thirty-five, twenty-one hundred and thirty-seven, twenty-one hundred and forty-eight, twenty-one hundred and fifty-one and twenty-one hundred and fifty-three of chapter ninety-seven of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 2131. Inspectors of oysters; appointment and removal, term, qualification and bond.—The county court of each county, or the judge thereof in vacation, in which oysters are caught or planted, shall, on or before the first day of May next, appoint for the county one or more inspectors of oysters, whose term of office shall commence on May first, eighteen hundred and ninety-two, and who shall continue in office for the term of two years, but may be removed by the court for any malfeasance, misfeasance, incompetency, or gross neglect of official duty, and such removal shall be deemed a vacation of the office. All the vacancies in the office shall be filled by the court, or the judge thereof in vacation. Every inspector shall before the court which appoints him, or the judge thereof in vacation, take the oaths and give bond prescribed by chapter thirteen of the code of Virginia. The bond shall be in a penalty not less than two thousand dollars. The clerk of the court shall transmit a copy of the bond to the auditor of public accounts within thirty days after its execution. An inspector appointed under this section shall be skilled in and acquainted with the oyster industry.

§ 2133. Each inspector shall be allowed all the fees allowed under this chapter to him and a commission of ten per centum on what is collected by him under the following section.

§ 2134. He shall collect all fines and taxes imposed by this chapter within the limits of which he is assigned ex-

cept the tax on planted oysters, and to enable him to collect the same, together with his fees, according to the preceding section, he shall have the same power which a county treasurer or other collectors of the state revenue has for the collection of taxes.

§ 2135. Reports required of inspectors, to be recorded; when to pay what they owe; what entries to make in their books.—He shall report quarterly on oath to the commissioner or commissioners of fisheries the amount of fines, fees, rents and taxes collected by him and his deputies during the preceding three months, and the names of the persons from whom the same were collected, with the respective dates of collection, and also the number of boats registered under this act, whether tonger, patent tonger, or dredger; also the number of acres of planting ground rented and the location thereof. The commissioner or commissioners of fisheries shall examine the report, and, if in due form and correct in other respects, shall certify to the auditor of public accounts the amount due on account of such fines, fees, rents, and taxes by the inspector, who shall, within thirty days thereafter, pay the same into the public treasury, to the credit of the oyster fund. These reports shall be transmitted by said commissioner or commissioners of fisheries to the clerk of each county in the waters of which there may be oysters, which said reports shall be filed by the clerk of said court in his office, and shall be open at all times to public inspection. The inspector shall give receipts for all fines, fees, rents, and taxes collected by him, an entry for which shall be made in a book to be kept by him for the purpose, which receipts, in addition to other facts stated therein, shall give the name of the county in the clerk's office of which his report is to be recorded. If any inspector fail to discharge any duty imposed on him by this section, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, be fined not exceeding five hundred dollars, and be removed from office, and for the amount of said fine he and his sureties shall be liable on his official bond.

§ 2137. Assignment to riparian owners and others of locations for planting oysters; appeal from decision of inspector; locations to be marked with suitable stakes; payment of fees and rent to inspectors.—If any owner or occupant of land having a water front thereon suitable for planting oysters, shall desire to obtain a location thereon for planting oysters, he may make application to the inspector for the county or district in which the land lies, who shall assign to him on such location as such owner or occupant may designate in front of his land. No assignment shall exceed one-half acre, and a survey and plat whereof to be made by the county surveyor, which shall indicate the metes and bounds, courses and distances,

starting from fixed and permanent objects on the shore, as accurately, as may be, the same to be recorded as provided for recordation of other plats, the cost of survey and plat, and recordation, to be paid by the riparian owner or occupant. The surveyor's fee shall be one dollar. It shall be the duty of such owner or occupant to cause the location to be marked with suitable stakes, according to the assignment, and thereafter he shall have the exclusive right to the use thereof for the purpose aforesaid, and the privilege is accorded to the said owner in consideration of the extra valuation ordinarily assessed upon such land for the water privileges supposed to attach thereto. The inspector making the assignment of reservation shall be paid by such owner or occupant a fee of fifty cents; said assignment to the riparian owner or occupant to pass with the land to the subsequent owner or occupant. If any portion of said water front herein reserved or provided for said riparian owner or occupant of land, shall be occupied by others with oysters actually planted thereon at the time a location is made of said reservation, the person so occupying the same shall have eighteen months to remove the said oysters so planted. The residue of said water front in excess of what is herein reserved for the riparian owner, and the residue of the beds of the bays, rivers, and creeks, other than natural oyster beds or rocks, may be occupied by any persons for the purpose of planting or propagating oysters thereon: provided, that no assignment hereafter made shall exceed two hundred and fifty acres; but this limit shall not affect assignments heretofore made, in excess of that amount, and provided further, that no limit herein provided for shall affect assignments made in the Chesapeake bay. It shall be the duty of any such person desiring to obtain a location for planting or propagating oysters in any portion of the water-fronts and beds aforesaid, not located or reserved as hereinbefore provided for owners and occupants of land aforesaid, to apply to the inspector of the district in which the land lies, to have his location ascertained and designated, and surveyed, and the same shall be marked with suitable stakes, smooth and free from snags and spurs, or by other metes and bounds, courses and distances, having their places of beginning and ending designated by permanent objects on the shore, agreed upon between the applicant and inspector, and he shall pay the inspector for his services a fee of one dollar; and he shall also pay to the inspector rent for the land assigned him at the rate of one dollar per acre for each and every year of his rental: provided, however, that on the ocean side of the counties of Accomac and Northampton, he shall pay a rental of fifty cents per acre, the same to be payable on the first day of September of each year, and so long as he continues to pay such rent, he shall have the exclusive

right to occupy said land for a period of twenty years, subject to such rights, if any, as any other person or persons may previously have acquired. If any portion of said water-fronts or beds or bays, rivers and creeks, be occupied with oysters actually planted thereon or held by any person under proper assignment, evidenced by the receipt or certificate of the inspector, at the time a location is made or sought to be made, under this section, the occupant shall have the prior right against all others to have the land so occupied by him assigned to him by the inspector: provided, the said occupant shall have the land so occupied by him ascertained and designated, and surveyed within thirty days from the time the inspector is called on to locate the same. This section, so far as the quantity of land to be assigned to and held by riparian owners is concerned, shall not apply to the counties of Richmond, Northampton, Northumberland and Westmoreland; but section six of chapter two hundred and fifty-four, acts of eighteen hundred and eighty-three and eighty-four, shall continue in force as to the said counties: provided, that nothing in the said section which restores to riparian owners in said counties one-fourth of their respective water-fronts suitable for planting oysters, shall be so construed as to permit the owners of water-fronts to compel occupants of said fronts to remove their oysters from any fourth of said shore, if the residue of said shore be already in his (the land-owner's) possession or be unoccupied; and provided further, that all applications for assignments of oyster planting-grounds, other than for the ground reserved for riparian owners, shall be made to the oyster inspector of the county or district in which said grounds are located, stating as near as may be the number of acres applied for, the name of the waters in which located, and the name of one or more prominent points or places convenient to said ground; thereupon the said inspector shall cause notices of said applications to be posted for at least thirty days, at the court-house of said county, and at two or more prominent places in the vicinity of said grounds; said notices shall contain the name or names of applicants, the probable number of acres applied for by each, the name of the waters where located, and the name of one or more prominent points convenient to said grounds; after the expiration of the thirty days' notice as aforesaid, the inspector shall proceed to survey and assign the ground so applied for: provided, he ascertains it is not a natural bed, rock or shoal within the meaning of this act.

§ 2148. Limitation as to time of taking oysters.—Hereafter it shall not be lawful for any person to take or catch oysters from any of the natural oyster beds, rocks, or shoals, in any of the waters of this commonwealth with tongs, or

in any other way, from the first day of April to the first day of September, except that in the waters of the Pocomoke sound, Tangier sound, and their tributaries, the prohibited time shall be from the first day of May to the fifteenth day of September; and on the ocean side of Accomac and Northampton counties, the prohibited time shall be from the thirty-first day of May to the first day of September; and in Broad bay, Long creek, Linkhorn bay, or in any of the tributaries thereof, in the county of Princess Anne, the prohibited time shall be all of the year except the months of October and November. Any person violating the above provisions shall be fined not less than ten dollars nor more than fifty dollars for each offence. This section shall not be construed as prohibiting the owner of planted oysters from working on, or changing the location of said planted oysters, or from shipping the same to market at any time at the option of the owner thereof. But no dredging to be permitted on their private oyster-grounds even by the owner of said planted oysters at any time: provided, however, that nothing in this clause shall be construed to prevent the occupant of planting-grounds in the Chesapeake bay, or the occupant or lessee of not less than one hundred contiguous acres, in Tangier sound, and Hampton Roads, from dredging his planted oysters during the lawful season for dredging in this state. It is further provided, that if any person carry, or attempt to carry, any seed oysters out of this state at any time, except from the ocean side of Northampton county, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not exceeding five hundred dollars for each offence.

§ 2151. Sale out of shell to be by wine measure.—When oysters are bought or sold out of the shell, it shall be by wine measure, according to the standard prescribed for such measure by section nineteen hundred and eleven of the code of Virginia, eighteen hundred and eighty-seven. Any person violating this section shall, upon conviction thereof, be fined not less than ten nor more than fifty dollars for each offence.

§ 2153. Natural oyster beds not to be used for planting or depositing oysters or oyster shells.—It shall not be lawful for any person to stake in or use for the purpose of planting oysters or shells, or for depositing oysters while making up a cargo for market, any natural oyster bed, rock or shoal, or any part thereof, nor shall any person who may have occupied and staked off such natural bed, rock or shoal, continue to occupy the same; and any person violating this provision shall be fined not less than fifty nor more than one thousand dollars for each offence. Each inspector shall require any such person within his district to remove all stakes, watch-houses, or other obstructions from said natural beds, rocks, or shoals, and if

after notice such person refuses to remove his stakes or other obstructions, the same shall be removed by the inspector at the cost of the offender, who shall also be fined for failure to remove such stakes, watch-houses, or other obstructions not less than ten nor more than one hundred dollars.

2. That sections twenty-one hundred and forty-one, twenty-one hundred and forty-two, twenty-one hundred and forty-three, twenty-one hundred and forty-four, twenty-one hundred and forty-five, and twenty-one hundred and forty-seven of the code of Virginia, eighteen hundred and eighty-seven, be, and the same are hereby, repealed.

3. Any resident of this state owning a boat to be used in taking or catching oysters from the natural rocks, beds, or shoals shall apply to the inspector of the county or district where he resides, on or before the first day of September of each year, and have said boat registered. The inspector shall register said boat, and prescribe for said boat a number corresponding with the number of boats registered, which number of boats, and number of district, he shall cause to be plainly marked or stamped upon the prow of said boat. For each registration annually, the owner of the boat shall pay to the inspector a fee of fifty cents. Any boat used or engaged on the oyster rock, as above named, after the first day of September next not registered, shall be taken in charge by the inspector, and if the owner can be found, he shall be fined not less than five nor more than twenty dollars, to be recovered before a justice of the peace; if the owner cannot be found, the inspector is directed and hereby authorized to advertise said boat for thirty days, and if no person claims said boat, the inspector is authorized to sell said boat at public auction, and turn over the proceeds of sale, less the costs of advertising and expenses of sale, to the auditor of public accounts, together with a report of his action in the matter.

4. For the purpose of registering boats as aforesaid, the oyster portion of the state shall be laid off into districts so that when a boat is properly registered, the registration can be recognized by all the inspectors in the state. The districts shall be as follows: Accomac, number one to number seven inclusive; Elizabeth City, number eight; Essex, number nine; Gloucester, number ten; Isle of Wight, number eleven; James City, number twelve; King George, number thirteen; King and Queen, number fourteen; King William, number fifteen; Lancaster, number sixteen; Mathews, number seventeen; Middlesex, number eighteen; Nansemond, number nineteen; New Kent, number twenty; Norfolk county, number twenty-one; Norfolk city, number twenty-two; Northampton, number twenty-three; Northumberland, number

twenty-four; Portsmouth city, number twenty-five; Princess Anne, number twenty-six; Richmond county, number twenty-seven; Warwick county, number twenty-eight; Westmoreland, number twenty-nine; York, number thirty. The inspector of each district shall, with a stamp, place on the prow of each boat the number of boats registered, and under the number of the boat the number of his district, for example $\frac{1}{1}$ shows that the boat is numbered one, and registered in district number one in Accomac.

5. The inspector shall, moreover, require each and every tong-man in his district to state to him, on oath, at the time of receiving his registration and number, that he will not, during the ensuing season, violate any of the laws of this state in regard to taking of oysters from their natural beds, rocks, or shoals, and that he will make such true and accurate returns as are hereinafter provided for. The inspector shall require each tong-man registered in his district to make to him, on the Saturday of each week, or within three days thereafter, during the lawful season, a true and accurate return of the amount of sales made by him during the week preceding; and the inspector shall collect from said tong-man on the aggregate amount of said sales for that week an amount equal to the amount of tax that may be levied by the state on any other species of property; but if at the time of registering his boat, any tong-man shall prefer, and elect to pay, and pay to the inspector the sum of two dollars, the inspector shall give him a receipt therefor, in which he shall state that the said payment is a discharge of his obligation under this section for the entire season for which his boat is registered, so far as the weekly returns and the amount to be paid thereon, is concerned: provided that this section shall not apply to the ocean side of Accomac and Northampton. If any tong-man shall fail to make such report as is provided in this section, he shall be deemed guilty of a misdemeanor, and upon conviction thereof he shall be fined not less than ten dollars nor more than fifty dollars.

6. Any resident of the state who is now occupying oyster-planting grounds, or desires to occupy any oyster-planting ground, shall notify the inspector of his desire to continue to occupy, or his desire to occupy, certain oyster-planting grounds, and the inspector shall notify the county surveyor, or his deputy, who shall survey said ground, and make a plot of the same—the surveyor to receive for surveying and making plot twenty-five cents per acre up to thirty acres, and fifteen cents per acre over thirty to fifty acres, and ten cents per acre for all over fifty acres—the cost of survey and plot to be paid by the rentor—this survey and plot to remain good so long as the rent is annually paid, and the ground occupied by the party

paying for survey and plot. The said survey and plot shall indicate the metes and bounds, courses and distances, having their beginning and ending marked by fixed and permanent objects on the shore, as accurately as may be, and the same, as soon as possible after completion, shall be filed by the inspector in the clerk's office of his county, then to be forthwith recorded in a well-bound and substantial book, and indexed in the name of the assignee, and thereupon, at once, a written memorandum thereof to be posted by the clerk at the front door of the court-house, stating the name of the assignee, the date of the record, the number of acres assigned, and the general location of the grounds.

7. Any person holding oyster-planting ground, who has not had it assigned, or paid any rent for the same, shall forthwith apply to the inspector of his county to have said ground surveyed, assigned, and pay the rent; and if he fail to do so, the inspector shall serve notice on said occupant, giving him thirty days to comply with the law, and then if he fail or refuse to rent as the law directs, the inspector shall rent out said ground to the first applicant.

8. It shall not be lawful for any person to rent oyster-planting ground and afterwards sub-rent or sub-let the same to another person. Any person violating this section shall be fined not less than fifty nor more than one hundred dollars, and the ground sub-rented or sub-let shall be taken away from him by the inspector.

9. Any assignment made by the inspector shall in all proceedings and for all purposes whatsoever, be, and be construed to be, an absolute final adjudication that the ground assigned is not a natural oyster bed, rock, or shoal, unless within two months after the survey and plot are recorded as required by section six, some person or persons shall file a writing in the clerk's office of the county court where the record is, stating that the ground assigned is a natural oyster bed, rock, or shoal. Upon such writing being filed, the clerk shall forthwith issue a rule against the assignee requiring him to appear in said court and show cause why the said assignment should not be revoked. If said writing is filed ten days before the term of the court the rule shall be returnable at such term, otherwise at the term next following. The court, without a jury, shall try and determine whether the ground assigned is a natural oyster bed, rock or shoal, and the person or persons who filed the writing aforesaid shall be regarded as the plaintiff or plaintiffs, and the assignee as the defendant in the issue. The clerk shall notify the inspector, who shall attend the trial. The judgment of the court shall be final, and no appeal, writ of error, or supersedeas shall lie thereto. If the judgment is against the assignee, any rent paid by him shall be returned to him by the inspector; and when any inspector

shall be overruled by the county court three times he shall be removed from his office. If the owner of any boat desires to use on said boat the new (patent) oyster tongs on the natural oyster beds, rocks or shoals, he must pay to the inspector of his district the sum of five dollars annually for each pair of patent tongs used on said boat, to be by said inspector paid over to the auditor of public accounts, and one dollar annually as a fee to the inspector for his services. If any one boat is registered for two purposes, the inspector shall also have a stamp for registering the boat using patent tongs, and that stamp shall be "P. T., and the number of boat registered, and under the number of the boat the number of his district; for example, "P. T.— $\frac{1}{1}$ " shows that the boat is registered for patent tongs number one, and registered in district number one, in Accomac county, and this must also be stamped on the prow of the boat.

10. If any person, other than a resident of this state, take or catch oysters or other shell fish in any of the waters of the state, he shall, upon conviction thereof, be fined five hundred dollars.

11. All oysters taken from any natural rock, bed, or shoal in the waters of this state, except on the eastern side of Accomac and Northampton counties, shall be culled upon their natural bed, rock, or shoal as taken, and all oysters whose shells measure less than two and one-half inches in length, measuring from hinge to mouth, and all shells shall be included in said culling, and replaced upon said rock, bed, or shoal: provided that where small oysters are adhering so closely to the shell of the marketable oyster as to render its removal impossible without destroying the young oyster, then it shall not be necessary to remove it. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

12. When the purchaser or any other person shall have reason to believe that any cargo of oysters has been brought to market in violation of this law, the inspector shall be called in to ascertain the fact, and he shall thereupon cause the contents of every fiftieth tub or measure to be dumped in any convenient place to be agreed on between the vendor and purchaser, and the same shall be kept away, and separate from other oysters, or oyster shells, and after the whole cargo, vessel load, or quantity of oysters so sold shall have been measured, and the quantity ascertained, the inspector shall, in the presence of the vendor, or his duly authorized agent, or employee, proceed to separate from the oysters so set aside all shells and small oysters less than two and one-half inches in length, and he shall proceed to measure the shells and small oys-

ters set aside, as hereinbefore provided, and if said shells and small oysters so set aside, after being so separated from the marketable oysters, shall be found to exceed five per centum of the whole quantity so set aside as aforesaid, then the vendor shall be deemed to have violated this section, and on conviction thereof shall be fined not less than ten nor more than one hundred dollars.

13. All acts and parts of acts inconsistent with this act, be, and the same are hereby, repealed: provided however, that this act shall not be so construed as to affect in any way the riparian rights of any owner or owners of land on the east side of the Elizabeth river lying south of the north line of the property of the Lambert's Point water front company, or to affect in any way the present jurisdiction of the board of harbor commissioners of the port of Norfolk and Portsmouth, nor shall this act be construed to repeal in any way chapter ninety-six of the code of Virginia.

14. This act shall be in force from its passage.

CHAP. 364.—An ACT to authorize the board of supervisors of Warwick county to increase the salary of the commonwealth's attorney of Warwick county.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Warwick be, and they are hereby, authorized and empowered to increase the salary of the commonwealth's attorney of the county court of said county, so that the same shall not be less than three hundred and fifty dollars nor more than six hundred dollars.

2. This act shall be in force from its passage.

• CHAP. 365.—An ACT to allow John G. Wornom to erect a wharf on Poquosin river, in York county.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That John J. Wornom be, and he is hereby, authorized to erect a wharf on Poquosin river, at the terminus of the Hunt's Neck road, in York county, subject to the laws of Virginia governing wharves erected in the waters of the commonwealth.

2. This act shall be in force from its passage.

CHAP. 366.—An ACT making it lawful for the board of supervisors of Loudoun county to pay George F. Earnick a certain sum out of the county levy.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of the county of Loudoun, if in their judgment they shall deem it proper to issue their warrant on the treasurer of said county, payable out of the county levy, in favor of George F. Earnick, for the sum of forty-two dollars and seventeen cents, being his interest in an account of seventy-seven dollars and twenty-three cents due the firm of G. F. Earnick and company for supplies furnished for the poor of said county of Loudoun, the said amount of forty-two dollars and seventeen cents being disallowed by the said board of supervisors because of said Earnick being a member of said board when said bill was rendered in July, eighteen hundred and eighty-eight, and therefore disqualified under section eight hundred and twenty-two of the code of Virginia from being a party in interest to any contract for supplies and materials.

2. This act shall be in force from its passage.

CHAP. 367.—An ACT to amend and re-enact section 847 of code 1887, in relation to board of supervisors publishing an itemized statement of county expenses.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and forty-seven of the code of eighteen hundred and eighty-seven be amended and re-enacted so as to read as follows:

§ 847. The board of supervisors shall cause to be made out annually, immediately after their meeting at which the county levy is made, a statement showing the aggregate amount of the receipts and expenditures of the year next preceding; also a statement showing the aggregate amount allowed for the next succeeding year to the officers of the county and for incidental and necessary expenses of the county, in form as follows:

To sheriff of the county, - - -	\$ _____	
To clerk of the county court, - - -	\$ _____	
To commonwealth's attorney for the county,	\$ _____	
To treasurer of the county, - - -	\$ _____	Form.
To members of the board of supervisors, -	\$ _____	

Expenses of
county.

To registrars,	-	-	-	\$	_____
To superintendent of the poor,	-	-	-	\$	_____
To judges of election,	-	-	-	\$	_____
To clerks of election,	-	-	-	\$	_____
For building bridges,	-	-	-	\$	_____
For overseer of roads,	-	-	-	\$	_____
For damages in opening roads,	-	-	-	\$	_____
For support of the poor,	-	-	-	\$	_____

And an itemized statement of incidental expenses of the county, not embraced by either of the foregoing items.

Copy to be
posted, &c.

A copy of such statement shall be posted at the front door of the court-house and at each voting place in the county, or published in one or more newspapers of the county or adjoining county or city, as the board may direct.

Penalty.

And each member of the board of supervisors who fail to comply with the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

2. This act shall be in force after July first, eighteen hundred and ninety-two.

CHAP. 368.—An ACT to incorporate the Virginia trust, guarantee and loan company.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That L. C. Berkeley, junior, L. E. Harvie, J. L. Warring, J. B. Harvie, J. L. Berkeley, P. S. Dance and James P. Harrison, together with such other persons as may become stockholders in the corporation hereinafter created, and their associates and successors, be, and they are by this act, created and constituted a body corporate, by the name of the Virginia trust, guarantee and loan company, by which name it shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have all the rights and privileges of a corporation under the general laws of the state of Virginia, and be subject to all the rules, regulations and restrictions imposed by the laws of said state in relation to corporations of this kind, so far as the same are applicable to this corporation and not inconsistent with this act.

2. The corporation hereby created is authorized and empowered to guarantee the payment of notes, bonds, bills of exchange, and other evidences of debt, and to receive a commission therefor; to re-discount paper, to re-

ceive money on deposit, for investment or otherwise, and to pay out the same on order, or grant certificates therefor; to borrow money and to execute notes for the same; to buy, sell, draw, or negotiate bills of exchange; to invest the money received on deposit or belonging to said corporation in or lend the same on stocks, bonds, notes, bills or any other security, real or personal, or use the same in purchasing or discounting bonds, bills, notes, or other securities for the payment of money, and to receive the interest therefor in advance; to purchase, lease and rent real estate, and collect rents from the same; to borrow money and create loans for the purpose of advancing upon buildings and lands, and improving property, and for such other objects as may advance the interests of the company under a building and loan plan; to hold and dispose of real estate; to negotiate loans upon the same or other security; to loan money upon real estate, or to buy and sell the same on commission; to act as receivers for courts; to buy and sell bullion, coin, bank notes, stocks and bonds of other corporations or subscribe to and hold the same; to make and certify for compensation, abstracts of title to real estate and give opinions as to the same; to guarantee titles to real or personal property; to write deeds, wills, and contracts; to act as agent, trustee, attorney, assignee, receiver, guardian, executor, administrator, curator, or committee; to take charge of property, collect income and rents, leasing, conveying and managing real and personal estate; issuing and countersigning certificates of stocks, bonds, or other obligations of any individual, corporation, association, municipality, state, or public authority, and may receive and manage any sinking fund therefor.

3. The said corporation may purchase, erect, or contract for a building or premises for the purpose of receiving or depositing on storage all kinds of merchandise or personal property for safe-keeping, sale, or shipment; may rent safety deposit boxes; may collect and receive compensation for storage, selling, or shipment; may make advances in money, negotiable notes, acceptances, bonds, endorsement, or other evidences of indebtedness, and may guarantee payment of notes, acceptances, bonds, or other like obligations of persons or corporations storing or depositing such property with it; and all such advances or guarantees so made by said company on property received on storage or deposit, and compensation for all charges and expenses thereon, shall be a preferred lien on said property, which shall be satisfied and paid before said company shall be called on for the delivery of said property. The said company shall, when required by the owner of any property, give a receipt therefor, stating the date of reception, kind of property, condition of the same, and the cash value thereof.

The receipt or certificate of the company shall be binding on the said company to deliver the said property to the person in whose favor the receipt is given, or his assignee, on payment of all dues to the company for which the same is liable, which receipt or certificate shall be negotiable. All advances, endorsements, guarantees, charges, storage, labor, and expenses shall be endorsed or stated on the receipt or certificate. It shall be lawful for the said company to sell at public auction or private sale, in its discretion, all property of what kind soever, mentioned or specified in any contract or agreement between the company and other parties, after ten days shall have elapsed from the time of maturity of an obligation under said contract or agreement, or immediately upon the discovery of any fraud, misrepresentation, or concealment in regard to the ownership or otherwise which might jeopardize the rights of the company or its security, after five days' advertisement of the time and place of sale in some newspaper published at the city of the principal office, and to reimburse itself out of the proceeds of such sale for the money due it, with interest, storage, costs, and charges, and to indemnify itself for any loss it may have sustained by the non-fulfillment of such contract, or by reason of said misrepresentation, fraud, or concealment.

4. That in all cases in which public officers of municipal or private corporation are authorized to deposit money, stocks, bonds, or evidences of debt, such deposits by such officers or corporations may be made with said company.

5. That in all cases where an application may be made to any court in the city of the principal office, and any counties convenient thereto, having such jurisdiction to appoint a curator, guardian of an infant, committee of an idiot or insane person, administrator of any person dying testate or intestate, trustee or receiver, such court shall have power to appoint said company as such curator, guardian, committee, administrator, trustee or receiver, upon the like application that any person might be so appointed; and it shall be lawful for any person, by deed, will or other writing, to appoint said company a trustee, executor, assignee or receiver, and as such executor, guardian of any infant, committee of an idiot or insane person, administrator, trustee, executor or receiver, said company may lawfully act, and as such shall be subject to all the obligations and liabilities of natural persons acting in like capacities.

6. Whenever the said company shall be appointed to any place of trust enumerated in the last foregoing section, or whenever deposits of money or valuables of any kind shall be made with said company, the capital stock and its property and effects shall be taken and considered as se-

curity required by law for the faithful performance of its duties, and no other security shall be required from it on the execution of the bond required, where one is now required of any natural person acting in such capacity. And it shall be lawful for any individual, executor, administrator, guardian, committee, receiver, assignee, trustee, public officer, or other persons having the custody of any bonds, stocks, securities, moneys, or other valuables, to deposit the same for safe-keeping with said company.

7. The corporate stock of said company shall not be less than fifty thousand dollars, nor more than one million dollars, to be divided into shares of one hundred dollars each, to be paid in monthly instalments, as the by-laws of said corporation may require, and each share shall be entitled to one vote in the stockholders' meeting.

8. The officers of said corporation shall be a president, vice-president, secretary (who may also be treasurer), a treasurer, and not less than three nor more than seven directors, in addition to the president and vice-president, who shall be directors, and who, with the said directors, shall constitute a board of directors, not less than five nor more than nine in number, all of whom shall be first elected at the meeting of the incorporators after the minimum amount of stock is subscribed to, and shall hold their respective offices until the regular annual meeting of the stockholders to be held on the second Tuesday in each and every year after the present year, and until their successors in office are elected and qualified.

9. The individual stockholders of said corporation shall be in no case liable for the debts, obligations, liabilities, contracts or tests of the said corporation over and above the amount unpaid on the share or shares of stock subscribed to by such stockholders.

10. The said corporation shall have power to make and ordain such by-laws, rules and regulations as may be necessary, suitable or convenient for the successful prosecution of its business, providing therein for the terms and manner of issuing and transferring its stock, conveying the real estate, the security required, and terms upon which loans shall be made, the investment of funds, the manner and terms of certifying abstracts of title, the payment of dividends, and in general the said corporation shall have the power and authority to make and provide all such by-laws, rules and regulations for its operation as are not inconsistent with the laws of this state and of the United States, and may amend and repeal any of the said by-laws, rules and regulations at pleasure.

11. The principal office of said company shall be in some city in the state of Virginia, to be selected by the board of directors.

12. All taxes due by said corporation shall be paid in money, and not in coupons.

13. Provided, however, that nothing herein shall be construed to exempt said company from the payment of any license tax provided by the laws of this state in each of the different classes of business to be carried on by said company.

14. This act shall be in force from its passage.

CHAP. 369.—An ACT authorizing the board of supervisors of Buckingham county to increase the salary of the judge of said county.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Buckingham county be, and are hereby, authorized and empowered, in their discretion, to increase the salary of the county judge of said county the sum of forty dollars per annum; the said increase and present salary of said judge not to exceed the sum of four hundred dollars per annum.

2. This act shall be in force from its passage.

CHAP. 370.—An ACT to submit the question of a hog law to the voters of Rappahannock.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That an election shall be held in Rappahannock county on the fourth Thursday in May, eighteen hundred and ninety-two, by the judges of election in said county at the several voting places therein, to enable the qualified voters of each district in said county to declare by their votes whether or not they will agree to a law to be known as "the hog law." The ballots shall be, respectively, "for hog law," "against hog law": provided, that notice shall be given by the sheriff by posting the times and places of voting on the front door of the court-house, and at the several voting places in said county thirty days before the day of election.

2. The manner of receiving and canvassing the ballots at such election on said question and making abstracts and returns thereof shall conform in all respects to the general election law of the state, except that the certificates of the judges shall be as follows:

We hereby certify that at the election held on the — day of May, eighteen hundred and ninety-two, — votes were cast "for hog law," and — votes were cast "against hog law."

Clerks.

Judges.

3. If it shall appear from the abstracts and returns of said election that a majority of the qualified voters of each magisterial district voting upon said question are in favor of the hog law, then it shall be the law of said districts; but if a majority of the voters of any of the districts of said county cast in said election be against the hog law, the existing laws in regard to hogs shall be deemed to remain in force and effect in said districts, and all acts and parts of acts repugnant to this act are hereby repealed in the limits aforesaid.

4. If any swine should trespass upon any lands in the limits of the districts accepting the hog law aforesaid the owner or manager of said animals shall be liable for all damage or injury done by the said animals to the owner of crops or lands upon which they may trespass, whether the said animals wander from the premises of the owner in the county or district in which the trespass was committed or from another county or district, and whether any such lands be enclosed by a lawful fence or not.

5. The damages and awards in all cases arising under this act shall be ascertained in the manner and under the laws now in force for trespass and damage.

6. The result of the election herein provided for shall be certified by the proper officers of election to the judge of the county court of said county, and shall be entered by the said judge in the order-book of said court within ten days after the receipt of such certificate of the result of the canvass of such voting, and a copy of said order so entered shall be posted upon the front door of the court-house of said county.

7. All acts and parts of acts repugnant to this act are hereby repealed.

8. This act shall be in force from its passage, and the result of the election herein provided shall be in force thirty days from the entry by the said judge of the order herein required.

CHAP. 371.—An ACT for the relief of John W. Gardner, of Washington county.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That John W. Gardner be, and he is hereby, relieved and

discharged from the payment of all of a fine of one hundred and twenty-five dollars in excess of five dollars imposed by the county court of Washington county for the failure to provide his mill-dam with a McDonald fishway: provided, however, that the said John W. Gardner shall pay all the costs attending the prosecution.

2. This act shall be in force from its passage.

CHAP 372.—An ACT to provide a mode by which the liens created under the old State bank act may be released in pursuance of the act of the general assembly, approved February 12, 1866, so far as the same applies to the bank of Rockbridge.

Approved February 25, 1892.

Preamble.

Whereas under an act of the general assembly of Virginia to amend the fifth section of the act passed February twelfth, eighteen hundred and sixty-six, entitled an act requiring the banks of this commonwealth to go into liquidation, approved March nineteenth, eighteen hundred and sixty-seven, it was required that whenever any such bank should have redeemed at least ninety per centum of its countersigned notes issued for circulation, the said treasurer (treasurer of Virginia) was authorized and directed to re-transfer to the said bank or to its legal representative or representatives, the certificates of debt or bonds deposited by such banks which might then remain in his hands, upon receiving from at least five of the stockholders of said bank, with at least five good and sufficient securities, to be approved of by him, a joint and several bond payable to the commonwealth of Virginia in a penalty equal to three times the amount of the outstanding unredeemed countersigned notes of the said bank, and conditioned to redeem the same in accordance with the provisions of said act, on demand at the place of business of the said bank or of either of the obligors therein; which bond should be recorded in the manner prescribed in the fourth section of chapter one hundred and eighty-six of the code of Virginia of eighteen hundred and sixty, and should have the force of a judgment; and whereas the bank of Rockbridge, of Lexington, Virginia, complied fully with the requirements of the said act, and the bond required thereunder having been executed by S. McD. Moore, J. D. H. Ross, W. A. McClung, E. S. Tutwiler, A. L. Nelson, with H. H. Meyers, J. J. White, J. M. Barclay, William White and J. W. Massie, as their securities, in the penalty of twenty-one thousand dollars on the ——— day of August, eighteen hundred and seventy, and recorded in the county court clerk's office of

Rockbridge county, on the twenty-seventh day of September, eighteen hundred and seventy, which under the said act stands as a lien on their said lands, although all of the countersigned notes of said bank then outstanding of their issue in circulation has been redeemed and cancelled, yet no authority exists under the statute to mark upon the lien book the satisfaction of said lien; and whereas under section twenty-four hundred and ninety-eight of the code of Virginia of eighteen hundred and eighty-seven, provision is there made for the satisfaction of encumbrances existing on real estate, by ten days' notice thereof to the person entitled to such encumbrance, giving to the county court of the county where such encumbrance is recorded, to hear and determine to question and authority to direct such encumbrance to be released, but there being under the statute no provision as to the procedure in such cases for the release of such lien; therefore,

1. Be it enacted by the general assembly of Virginia, That the said S. McD. Moore, J. D. H. Ross, W. A. McClung, E. S. Tutwiler, A. L. Nelson, H. H. Meyers, J. J. White, J. M. Barclay, William White and J. W. Massie, or their legal representatives or those owning bonds conveyed by any of said parties to said bond, may, upon giving ten days' notice prescribed by section twenty-four hundred and ninety-eight of said code, to the commonwealth's attorney of the said county of Rockbridge, to proceed before the county court of said county, to show the redemption and cancellation of the notes of circulation of said bank, unredeemed, and the time of the execution and recordation of said bond, and have the lien thereof released under the provisions of said section twenty-four hundred and ninety-eight of the said code.

Lien released.

2. This act shall be in force from and after its passage.

CHAP. 373.—An ACT to incorporate the town of Colonial Beach, in the county of Westmoreland.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That Colonial Beach, in the county of Westmoreland, be, and the same is hereby, incorporated into a town and separate municipality and body politic, and shall be known under and by the name of "Colonial Beach," and as such shall be subject to all the general laws of this state and all laws that relate to towns of less than five thousand inhabitants, except such as are in conflict with the powers

conferred and the provisions of the charter by this act granted.

2. The boundaries of said town shall be as follows: Beginning for the same at the intersection of the main county road and the Bluff Point farm, now owned by John B. Hammond and C. W. Ridley, at the northwest corner of said farm, and running thence in a southeasterly and southerly direction as the main county road now runs, and on the west side thereof, so as to include the said road within the limits of said town, to a gate that opens upon a road leading into Colonial Beach; thence from said gate in a direct line south to the middle thread of Monroe creek; thence with the middle thread of Monroe creek to its mouth and junction with the Potomac river; thence in a northerly direction to and with the line and shore of the Potomac river, so as to include all bathing-grounds and wharves erected or to be erected thereon within the limits of said town, to the northwest point of the said Bluff Point farm and place of beginning: provided that nothing in this section shall be construed as amending, altering, or repealing section thirteen hundred and thirty-eight of the code of Virginia, eighteen hundred and eighty-seven: and provided further, that the owners and proprietors of the lands running from a point at the intersection of the main county road and Bluff Point farm, the point of beginning in this act, shall keep up a lawful fence along said line to the Colonial Beach gate, according to the provisions of section two thousand and thirty-eight, chapter ninety-three, code of Virginia.

3. The administration and government of the said town shall consist of one principal officer, to be styled the mayor, and four councilmen, who, together with the mayor, shall constitute the council of the town, and such other officers as are hereinafter mentioned, or may be provided for by the council for the efficient government of the said town and carrying out the provisions of this charter. Three of the council shall constitute a quorum for the transaction of business, and the mayor shall have a vote only in case of a tie. The place and time of meeting of the town council shall be fixed by an ordinance.

4. The council shall have the power to appoint, upon the nomination of the mayor, a clerk and town sergeant, and such police officers as may be necessary for the preservation of the peace and good order of the town, and for carrying into effect the ordinances thereof. The clerk and town sergeant shall hold their offices for the term of two years, or until their successors are appointed and qualified, unless removed for cause by the council, on recommendation of the mayor. The policemen shall hold their offices during the pleasure of the mayor.

5. In addition to the enumerated powers conferred upon councils of towns by section ten hundred and thirty-eight of the code of Virginia, eighteen hundred and eighty-seven, the town council of Colonial Beach shall have the power to establish bathing regulations; to regulate bathing suits; the building and dimensions of bath-houses, and the location thereof; to prevent hogs, dogs, cattle, horses, and other animals and fowls from running at large in said town, and to subject the same to such confiscation, regulations, and taxes as they may deem proper, and to prevent the trespasses of the same upon private property; and to this end may provide a pound for such as are taken up astray and prescribe the penalty for release therefrom; to regulate the building of privies, and to prevent the same from becoming nuisances; to regulate the building of stables for horses and cows, and the location thereof; to regulate the building of wharves by private parties; to regulate and license and impose a tax on the sale of intoxicating liquors as they may deem proper, and to designate the places for the sale thereof, with power to grant or refuse a license to sell intoxicating liquors to any person applying therefor as they, in their judgment, may deem prudent: provided the applicant shall apply to the proper authorities for the license under the present general laws of the state relating to granting of license for the sale of intoxicating liquors; to repress gambling in public places, and the use of profane language; to prevent the indecent exposure of the person; to prevent drunken and disorderly conduct; to regulate the disposition to be made of garbage and offal, and generally to pass such sanitary ordinances as will protect the health of the town; to prohibit and punish the cruel treatment of horses and other animals in said town; to lay out new streets and alleys; to grade and improve the same, and to plant and protect shade trees along the same; and whenever any new street shall be laid out or a street graded or paved, or any public improvement whatsoever made, the council shall determine what portion, if any, of the expense thereof shall be paid out of the town treasury and what portion by the owners of real estate benefited thereby. To this end the town council shall have the power to condemn the ground necessary for laying out any new street, paying the owner of the same just compensation therefor; and shall have power to impose an additional and special tax on the real estate of persons benefited to that imposed generally for improvement of streets, and shall have power to accept donations of personal or real estate for the benefit of the town or for any special improvement; and for carrying into effect these and their other powers, they may make such ordinances and by-laws and prescribe such fines and penalties or fines and imprisonment for the violation thereof as they may deem proper; and when by

the provisions of this act or under the general laws of Virginia the council of Colonial Beach have authority to pass ordinances on any subject, they may prescribe any penalty not exceeding five hundred dollars for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the county jail of Westmoreland county (until the said town have a jail of its own) for a term not exceeding ninety days, which penalty may be prosecuted, with costs, in the name of Colonial Beach, or may compel the offender to work on the streets or other public improvements of said town; and it is further provided that the jailer of the county jail of Westmoreland county shall receive into custody and confine in said jail (until Colonial Beach shall have a jail of its own) all persons committed thereto by the mayor of Colonial Beach for a breach of any ordinance of said town, and keep them so confined until discharged by proper authority or till the expiration of their terms of imprisonment; provided, however, it shall be the duty of the council of Colonial Beach to make provisions for and pay the expense of the keep of persons so confined.

6. The clerk shall keep a record of the proceedings of the town council, and shall perform such other duties as the town council may prescribe. He shall perform all the duties in relation to the assessment of property for the purposes of levying the town taxes that may be ordered by the town council. He shall keep his office in some convenient place in said town, and shall keep therein such books, schedules, and records in such manner as the mayor and town council may direct and prescribe, which books, records, and other papers shall be subject to the inspection and examination of the mayor, the members of the town council, or any committees thereof, and of the town sergeant, and generally of any tax-payer in the said town. He shall receive for such services such compensation as the town council may from time to time direct. The clerk in ascertaining the value of real property taxable in said town, for town or municipal purposes, shall fix the same at the actual cash value of said property at the time of assessment, irrespective of the value assessed for the purposes of state taxation, until the next general assessment. He shall issue tickets for all taxes and assessments voted by the council, and place them in the hands of the sergeant for collection, and shall also issue licenses to conduct any business or trade when such are required, upon the exhibition to him of a receipt by the sergeant that the tax has been paid. He shall give such bond as may be required by the town council, payable to the town of Colonial Beach, as may be prescribed by the town council, for the faithful performance of his duties as clerk and assessor of said town.

7. The sergeant of the town shall have and exercise the powers and duties of a constable. He shall collect all the taxes, levies, and assessments imposed by the council, and fines imposed on offenders by the mayor. He shall act as treasurer of the town, and perform such other duties as may be prescribed by the mayor and council; and for the faithful performance of his duties shall give such bond, payable to the town of Colonial Beach, as may be prescribed by the town council. The sergeant, in addition to the fees allowed by law for the services so to be performed by him, shall have such compensation as may be prescribed from time to time by the council. No money shall be paid out by the sergeant for the purposes of the town and as an officer of the town except on a warrant of the clerk of the council, countersigned by the mayor; and he shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto.

8. The police officers appointed by the council shall be conservators of the peace; shall preserve law and order and act under the orders of the mayor; shall wear a badge or uniform, such as may be prescribed by the mayor. Their compensation shall be such as may be prescribed from time to time by the council.

9. The mayor and councilmen, in addition to their other duties, shall be conservators of the peace.

10. In cases only where the fines imposed by the mayor for the breach of the town ordinances are over twenty-five dollars, or the offender is sentenced to imprisonment, shall appeals be allowed to the county court of Westmoreland county. In all cases, except when the fine is twenty-five dollars or under, appeals may be taken from his decisions, as allowed by the general law of the state.

11. The town council may, by taxes, raise annually, by assessments in said town on all subjects taxable by the state, such sums of money as may be necessary to defray the expenses of the town: provided that no tax upon real and personal property in said town for town purposes shall exceed one dollar and twenty-five cents upon the one hundred dollars assessed value thereof: provided, however, that if any person shall feel himself aggrieved and claim his property to have been erroneously assessed, he shall have the right to appeal to the town council and they shall hear his complaint and determine the same. There shall be a lien on the real estate for the town taxes as are assessed thereon, from the commencement of the year for which they are assessed. The council may require the real estate in the town delinquent for the non-payment of taxes to be sold for said taxes, with interest thereon at the rate of ten per centum per annum, and such per centum as the council may prescribe for charges. Such real estate may be sold and may be redeemed, or the title

of the purchaser may be perfected and become absolute in the manner now provided by law. The council of the said town shall have power to impose a poll-tax on all male persons, not to exceed fifty cents for any year.

12. The town of Colonial Beach shall be, and constitute, a separate school district, and the town council shall appoint school trustees as provided by law. But the said town shall receive no part of the county school fund levied for the county of Westmoreland.

13. The said town and the taxable persons and property therein, shall be exempt and free from the payment of any poor rates or road tax, and from contributing to any county taxes or levies or expenses whatsoever, of or to the county of Westmoreland, for any year in which it shall appear that said town shall, at its own expense, provide for its own poor, and keep its streets in order: provided, however, that the real estate confined in the tracts of lands and farms known as Classic Shore and Bluff Point, as the same may be within the limits of the town of Colonial Beach shall not be exempt from levies and taxes imposed by the county of Westmoreland. The town council to have the power, and it shall be their duty however in any assessments and taxes imposed by the town on the said tracts of land, to equalize the taxes and assessments.

14. The mayor and councilmen shall hold their offices for two years, or until their successors are elected and qualified, and the qualified voters of the town shall elect a mayor and councilman for said town on the fourth Thursday in May, Anno Domini eighteen hundred and ninety-four, and every two years thereafter. The qualification of electors for mayor and councilmen shall be as follows, and none other: All males of the age of twenty-one years being residents of Colonial Beach for three months next previous to any election for mayor and councilmen, and who are otherwise qualified to vote in any state election. When two or more persons are to be elected to the same office, the several persons of the number required having the highest number of votes shall be declared elected. The town clerk shall act as registrar for all municipal elections and none others, and keep open the registration books of the said town for such purposes until sundown of the day previous to such election in order to enable the qualified voters in the municipal elections to register. The town council shall appoint three judges of election for municipal elections in said town; and in all other respects, the manner of conducting the municipal election, and the canvassing of the vote and the returns to be made, shall conform to the general law of the state as to municipal elections.

15. The mayor and councilmen of the said town shall serve without compensation, further than that the mayor

shall be entitled to, and may receive such fees as are now allowed by law, when he acts in the capacity of or exercises the jurisdiction of a justice of the peace: provided, that from and after five years from the passage of this act the town council may fix the compensation or salary which the mayor and councilmen are to receive during their term of office.

16. The following named persons are hereby appointed to fill the following offices until their successors are duly elected and qualified, namely: Mayor, Frank Schwarz; councilmen, Thomas J. Brady, W. W. Evans, S. D. Watson, and C. E. Brayton. Said persons are to take the oaths of office, and to enter upon the discharge of their duties, as soon after the passage of this act as practicable, which oaths may be taken before a justice of the peace or other person authorized by law to administer oaths. It shall be their first duty at their first meeting to appoint a clerk and town sergeant, the first election to be held on the fourth Thursday in May, eighteen hundred and ninety-four.

17. This act shall be in force from its passage.

CHAP 374—An ACT to authorize the boards of supervisors of Clarke county and of Warren county to increase the respective salaries of the judges of the county courts of their respective counties.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the boards of supervisors of the counties of Clarke and Warren to increase the respective salaries of the judges of the county courts of their said respective counties to a sum not exceeding five hundred dollars per annum, which sum shall not be reduced during the terms of their said office, and such increased salary shall be paid out of the county levy, as provided by law.

2. This act shall be in force from its passage.

CHAP. 375.—An ACT to provide for working and keeping in repair the public roads and bridges of the county of Wythe.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Wythe shall annually levy along with the county levy a tax upon

the property, real and personal, assessed for taxation in the several magisterial districts of the county, which shall be applied to the working and keeping in order and repairing the public roads and bridges in such districts, and the compensation of the commissioners and contractors provided for by law and the provisions of this act. Such tax shall not be less than ten cents nor more than twenty-five cents on every one hundred dollars of such property, and the same shall be collected, accounted for, and paid out on the warrant of said board as if it were a county levy, except that the levy for each magisterial district shall be kept separate by the county treasurer, and a different rate of taxation may be prescribed for different districts in said county, and the amount collected in each district shall be expended therein.

2. The said board of supervisors shall at their annual meeting in February, or as soon thereafter as practicable, appoint two commissioners, one of whom shall be appointed from the territory lying east of the court-house in said county, and the other from that lying west of said court-house. They shall reside in their respective territories, and shall be styled commissioner of roads for the the east end, and commissioner of roads for the west end of said county, and it shall be their duty to supervise the roads within the respective magisterial districts assigned them by said board of supervisors. The said commissioners shall hold their office for two years from the annual meeting of said board in February, unless sooner removed by said board for neglect of duty or malfeasance in office, and shall receive such compensation for their services as said board shall allow, to be paid them at such times and in such amounts, by warrants drawn by said board on the treasurer, as said board may, by its order entered on its minutes, determine. Any vacancy in the office of commissioner shall be filled by said board for the unexpired term. Said commissioners, before entering upon the duties of their office, shall severally take an oath faithfully to perform the duties of their office as commissioner, which oath shall be filed with the papers of said board.

3. The commissioners shall each make annual reports to said board, or oftener as said board may direct, of all matters required by supervisors of roads and bridges under section nine hundred and seventy-two, and of the surveys thereof under section nine hundred and seventy-five of chapter forty-three of the code.

4. Said commissioners shall let to contract, for the term of one year, the roads in the magisterial districts assigned them, respectively, by said board, in one or more precincts or sections as now established by the order of the county court of Wythe, as the commissioner in each of said districts may deem most advisable, to the lowest

bidder, having first advertised for sealed bids, stating clearly in the advertisement the work to be done on said precinct or section of road or bridge therein, in addition to what is specified and required by section nine hundred and eighty-two of the code; such advertisements to be posted at at least three public places in the neighborhood of the work to be done for at least twenty days. But said commissioner shall have the right to reject the lowest bid received, if he shall deem it too high; or if said commissioner shall deem it best, he may receive propositions to do the work, after advertising as above directed, without requiring said proposals to be sealed.

5. The said commissioner shall report to the board of supervisors, at a meeting to be held by them succeeding any public letting under this act, and as soon as may be after any private letting, the precincts or sections let, and at what prices, together with a contract in writing specifying the precincts or sections let, the work to be done, and signed by himself and said contractor; and if no reason appear to the contrary, said board shall confirm said letting, and said contractor shall thereupon enter into a bond, payable to said board of supervisors, in a penalty double the amount of his contract, conditioned for the faithful performance of his contract, and with security approved by said board. Every such bond shall be delivered by the clerk of the board of supervisors to the clerk of the county court of said county, who shall transcribe and keep the same among the records of his office as other official bonds are required to be recorded and kept.

6. In case said commissioners fail to let any portion of the public roads to contract in the manner hereinbefore provided, the commissioner so failing to let, shall keep the same in order by employing hands, teams and other necessary means, at prices fixed by said board of supervisors, or if said board fail to fix a schedule of prices, then at the customary prices of the neighborhood; and if the commissioner deems it necessary for keeping any precinct or section in repair, he may employ an overseer over the same, whose compensation shall be the same as now provided by law for surveyors of public roads.

7. It shall be the duty of the commissioners to keep themselves informed of the condition of the roads and bridges in the magisterial district over which he has charge, and whenever the commissioner shall deem that a road or bridge in his district has not been kept by the contractor in the condition required by his contract, he shall at once notify the contractor in writing of the fact, and if he does not within ten days from the notice put the section in such repair as his contract calls for, then the commissioner shall have said road worked or bridge re-

paired according to the terms of the contract; and the cost of such work, including two dollars per day for attending to same, shall be recoverable on the bond of such contractor, after ten days' notice, before the county court of said county, which court shall have jurisdiction to try said motion, and after having the evidence in support of the motion and against it, if it is found the condition of said bond has been broken the court shall give judgment according to the right of the same, including costs. Such motion shall be in the name of the board of supervisors for Wythe county; and it shall be the duty of the commonwealth's attorney for the county to represent the said board in such court. If any defendant in such motion shall require it, the motion may be tried before a jury, but no pleading in writing shall be required, and the recovery in each case shall go into the road fund where the road is located.

8. The contractors shall be paid for work done under their contracts semi-annually, at such times as said board shall, by its order entered upon its minutes at its annual meeting in February, or as soon thereafter as practicable, determine, which payment shall be made by the warrant of said board upon the treasurer; but payment shall be withheld by said board, if at the time fixed for such payment said contractor's road is not in order, until the commissioner supervising the same shall report it to be in the condition required by his contract.

9. At any time three tax-payers from any district may petition their road commissioner to view one or more precincts or sections of road in their district, upon the ground the same is not worked according to contract. If said commissioner fail or refuse to view the precinct or section complained of, or if his view be adverse to petitioners, upon motion, the county shall appoint three disinterested viewers, who shall, after being duly sworn, view the sections or precincts and make a report at the next term of court. If their report be against the road, the court shall order the commissioner to proceed as directed by section seven of this act; but if the report of the viewers be favorable to the road, the petitioner shall pay cost of the commissioner and viewers, which shall be not more than one dollar per day.

10. No person in the county of Wythe shall be required to work on its roads without compensation, and the entire burthen of keeping the roads and bridges in repair shall be paid out of the road funds provided for in this act.

11. No member of the board of supervisors and no commissioner appointed under this act shall be interested in any contract under this act. Any participation therein by either shall vacate the office of road supervisor and the

appointment of said commissioner, and shall render the contract entered into with the contractor null and void.

12. So much of chapter forty-three of the code of Virginia as is in conflict with this act is hereby repealed, so far as it applies to Wythe county, but in every other respect the general road law of the state, as set forth in said chapter, shall continue to be in force in said county of Wythe.

13. This act shall be in force when adopted by a majority of the board of supervisors of Wythe county, upon a vote recorded upon the minutes of said board.

CHAP. 376.—An ACT to amend and re-enact section 1245 of chapter 51 of the code of Virginia so as to allow the qualified voters of Floyd county to vote a subscription to the Blue Ridge railway company.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section twelve hundred and forty-five of chapter fifty-one of the code of Virginia be amended and re-enacted so as to read as follows:

§ 1245. If it shall appear by the report of the board of commissioners that a majority of the qualified voters of Floyd county voting upon the question are in favor of subscription, then the county court shall, at its next session, enter on record an order requiring the supervisors of the county to attend on a day and at a place designated in the order to carry out the wish of the voters, as expressed at said election.

2. This act shall be in force from its passage.

CHAP. 377.—An ACT to amend and re-enact section 1234, code of Virginia, 1887, in regard to rights and liabilities of purchasers.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section twelve hundred and thirty-four of the code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 1234. The corporation created by or in consequence of such sale and conveyance shall succeed to all such franchises, rights, and privileges, and perform all such duties as would have been had, or should have been performed, by the first company, but for such sale and conveyance,

including the duty of maintaining and operating any branch or lateral road which may have been constructed and operated before the sale, and of transporting freight and passengers therein, save only that the corporation so created shall not be entitled to the debts due to the first company, and shall not be liable for any debts of, or claims against, the said first company which may not be expressly assumed in the contract of purchase, and the whole profits of the business done by such corporation shall belong to the said purchaser and his assigns. His interest in the corporation shall be personal estate, and he or his assigns may create so many shares of stock therein as he or they may think proper, not exceeding together the amount of stock in the first company at the time of the sale, and assign the same in the book to be kept for that purpose. The said shares shall thereupon be on the footing of shares in joint stock companies generally, except only that the first meeting of the stockholders shall be held on such day and at such place as shall be fixed by the said purchaser, of which notice shall be published for two successive weeks in a newspaper.

2. This act shall be in force from its passage.

CHAP. 378.—An ACT to amend and re-enact section 34 of an act entitled an act to amend the charter of the city of Alexandria, approved February 20, 1871, as amended by an act approved March 22, 1871, and by an act approved March 17, 1876, and by an act approved March 20, 1877, and by an act approved January 25, 1879, and by an act approved March 1, 1888.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-four of an act entitled an act to amend the charter of the city of Alexandria, approved February twentieth, eighteen hundred and seventy-one, as amended by an act approved March twenty-second, eighteen hundred and seventy-one, and by an act approved March the seventeenth, eighteen hundred and seventy-six, and by an act approved March twentieth, eighteen hundred and seventy-seven, and by an act approved January twenty-fifth, eighteen hundred and seventy-nine, and by an act approved March first, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 34. The mayor of the city of Alexandria shall be elected by the qualified voters at the time and places, and in the manner that the members of the city council are elected. He shall hold his office for two years, and until his successor is chosen and qualified in his stead. He

shall, before he enters upon the duties of his office, take an oath or affirmation in the presence of the city council, faithfully to execute his said office, which shall be recorded in its book of proceedings. He shall see that the laws of the corporation be duly executed, he shall have power to suspend or remove any police officer for misconduct in office or neglect of duty, and in the event of the removal of any police officer, or any officer of the city by his order. He shall communicate the fact with his reasons therefor, to the city council without delay, that the vacancy may be filled. He shall have power to convene the city council whenever, in his opinion, the good of the community may require it; and he shall lay before the city council, from time to time, in writing, such alterations in the laws of the corporation as he shall deem necessary and proper. He shall have and exercise all the powers of a justice of the peace within the said city, and shall receive for his services annually, a just and reasonable compensation, to be allowed and fixed by the city council, which shall not be increased or diminished during the period for which he shall have been elected. The election of mayor and members of the common council, and one-half of the members of the board of aldermen, one from each ward, shall be held on the fourth Thursday in May, eighteen hundred and seventy-nine, and every two years thereafter, at such places and by such persons as the city council shall select.

2. This act shall be in force from its passage.

CHAP. 379.—An ACT to extend the corporate powers of the Buena Vista land company, of Roanoke, Virginia.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the Buena Vista land company, of Roanoke (a corporation duly chartered by the judge of the corporation court of Roanoke city), is hereby authorized and empowered to construct and operate a railway from any point on or near the property owned by said company, near the city of Roanoke, to a point on the Norfolk and Western railroad, or any other railroad now built or which may hereafter be built in the city of Roanoke, Virginia, or in the counties of Roanoke, Botetourt and Craig, or from a point on its property to a point on the line of right of way of the Roanoke and Southern railroad, within the county of Roanoke: provided, however, that the line built and operated by the said company shall not exceed a greater distance than fifty miles.

2. The said company is also hereby authorized and empowered to condemn land for its uses in the manner provided by law in the case of corporations organized for works of internal improvements.

3. The said company is also empowered to borrow money and issue bonds and other evidences of debt, and to secure the same by mortgages, deeds of trust, or otherwise.

4. Provided, that the work of construction of the said road shall be begun within two years and completed in five years from the passage of this act.

5. This act shall be in force from its passage.

CHAP. 380.—An ACT to prevent and punish betting, gambling, and the making, writing or selling of books or pools or mutuals on the result of any trotting race, or running race of horses, or race of any kind, or on any election, or any contest of any kind, or game of base ball.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person or persons, or association of persons, to make, write or sell, books, pools or mutuals on the result of any trotting race or running race of horses, or race of any kind, or any base ball match, or any election, or contest of any kind; or to establish, keep, lease, rent or use, or knowingly suffer to be used or occupied any house, building, or portion of a building, vessel or place on land or water for the purpose of making, writing or selling therein any book or pool, or mutual, or of otherwise betting or gambling, or of permitting gambling or betting therein or thereon upon the result of any trotting race, or running race of horses, or race of any kind, or any base ball match, or on any election or contest of any kind.

2. That any person or association of persons violating the provisions of this act shall be fined not less than two hundred dollars nor more than five hundred dollars, one-fourth of which shall be paid to the informer, and be imprisoned not less than thirty days nor more than ninety days.

3. This act shall be in force from its passage.

CHAP. 381.—An ACT to provide for the working and keeping in order the public roads in the county of Dinwiddie.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors, acting in conjunction with the judge of the county court of Dinwiddie county, shall divide the said county into as many road districts as it shall think proper, assign hands to the roads therein, and the county court judge shall, in vacation, appoint a road surveyor for each district, who shall superintend and direct the repairs and keeping in order of the county roads and bridges within his district in such manner and under such regulations and restrictions as may be prescribed by said board and judge.

2. Each road surveyor shall be entitled to receive such compensation as the board of supervisors and county judge shall determine on, not exceeding one dollar and fifty cents per diem for the time he is employed in superintending the roads of his district.

3. The board of supervisors may annually levy along with the county levy a special tax upon the property, real and personal, assessed for taxation in the county of Dinwiddie, which together with the county levy received from railroad and telegraph companies, shall be applied by said board to repairing, improving and keeping in order the public roads and bridges of said county. Such special tax shall not be less than five nor more than ten cents on every one hundred dollars in value of such property, and shall be collected, accounted for, and paid out as the general county levy.

4. All acts or parts of acts in conflict with this act are hereby repealed: provided, nothing in this act shall be construed as relieving all male persons sixteen years old and over from two days' road service in each year on the public roads of the said county, as is now provided in code of Virginia, eighteen hundred and eighty-seven.

5. This act shall be in force from its passage.

CHAP. 382.—An ACT to provide for working the public roads in Northumberland and Westmoreland counties.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the counties of Northumberland and Westmoreland be, and are hereby, empowered

at any full meeting of their respective boards to be held hereafter, to take into consideration the question of letting out to contract or otherwise the working of the public roads in each of said counties. Should a majority of either or all of said boards be in favor of letting out said roads to be worked by contract, or otherwise, the board or boards so determining shall perfect a scheme for that purpose, which they shall submit to the voters of their respective counties, to be voted on, on Tuesday after fourth Monday in May next after the passage of this act. Said election to be conducted according to the provisions of sections twelve hundred and forty-three, twelve hundred and forty-four, and twelve hundred and forty-five of the code of Virginia, eighteen hundred and eighty-seven, not inconsistent with this act or in contravention of any fundamental law of the land. The tickets cast in favor of the scheme shall have written or printed upon them "For the road scheme"; and those cast against shall have written or printed upon them "Against the road scheme." Should the scheme submitted receive three-fifths of all the votes cast in either county, it shall become the road law of that county, to take effect on the first day of July next succeeding the election.

2. In the meantime, and until such scheme shall have been adopted, the road law under which said counties are now being worked, shall continue to be in force.

3. Should the voters of any county reject the scheme proposed, the said board of that county may thereafter prepare another scheme, or, if it deems best, may resubmit the same scheme to be again voted upon, until that or some other scheme shall have been adopted; provided, however, that the same shall be submitted not later than twelve months after any election under this act.

4. The judges of election shall, immediately after closing the polls, count the ballots cast for and against the scheme respectively, and shall declare the result. One of their number, on the day following the election, shall carry a sealed abstract of the vote, with the result as declared by them, and the ballots in a sealed package, to the clerk of the county court in his office. The abstract shall be delivered sealed by the said clerk to the judge of the county court within five days, who shall forthwith open the same and have it spread upon the county court order book. If the votes are cast according to the provisions of this act in favor of the road scheme, a copy of this entry shall be certified to the board of supervisors, who shall forthwith carry out the wishes of the people as expressed at said election.

5. No scheme shall be submitted which may require absolute free labor, or which may require to be executed entirely by hired labor.

6. The boards of supervisors of the respective counties shall have power to make any levy necessary to carry out this scheme which may have been adopted in their respective counties: provided said levy shall not exceed fifteen cents on the one hundred dollars worth of property.

CHAP. 383.—An ACT to incorporate The Virginia and Tennessee marble, natural oil and gas company.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That L. D. Yarrell, H. A. Tabb and Wyndham Bolling, of Virginia; George P. Cannon and J. A. Dickey, of Tennessee, their associates, assigns and successors be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Virginia and Tennessee marble, natural oil and gas company, and by that name shall be known in law, and have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity; and they may make and have a common seal, and they may alter and renew the same at pleasure, and shall have, enjoy and exercise all rights, powers and privileges pertaining to corporate bodies and necessary for the purposes of this act, and may make by-laws, rules and regulations for the government of all under its authority, the management of its properties and the due and orderly conduct of its affairs.

2. The capital stock of said company shall be one hundred thousand dollars, but may be increased to such amount as the board of directors may determine, from time to time, and shall be divided into shares, the par value of which shall be one hundred dollars each; and the directors may sell said shares of stock, or any part thereof, at such price as they may deem to be to the best interests of the company, and may receive real or personal property of any kind or services in payment therefor at such valuation as may be agreed upon between the directors and the purchasers.

3. The said company is also authorized and empowered to issue preferred stock and bonds, to purchase, hold, own, lease and control in any manner, grant, bargain, sell, mortgage, convey and otherwise dispose of real and personal properties of any kind in this state or elsewhere: provided, that the said company shall not own more than twenty thousand acres of land, in fee, in any one county of this state at any one time.

4. The said company is authorized and empowered to bore, lease and operate wells for gas, oil or other liquids, and to mine and quarry coal and other mineral substances. And the said company is authorized and empowered to construct, maintain and operate anywhere in this state or in other states, upon its complying with the legislative requirements of such other states, pipe lines, tanks, distributing pipes and the necessary works and appurtenances of all kinds, for the purpose of manufacturing, delivering, conducting, storing, handling and supplying corporations or individuals for use in mills, furnaces, manufacturing establishments and for other purposes with its manufactures and products, and for the purpose of constructing, maintaining and operating any of the above works, the said company shall have all the rights, powers and privileges necessary to carry out the purposes of this act to the fullest and most ample extent, and those which are given to internal improvement companies by the laws of the state. Whenever this corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be imposed by law upon other like corporations; and it is further provided the said taxes shall be paid in lawful money of the United States and not in coupons, and provided that whenever it shall for the purpose aforesaid, cross or occupy any street, highway or alley, it shall lay its pipes below the surface so as not to interfere in any way with the use of said streets, highways or alleys, and in so laying its pipes it shall not unnecessarily or unreasonably obstruct the use of any street, highway or alley, and shall after so laying its pipes in or across any such highway, street or alley restore the surface of such road, highway, street or alley to as good condition as before, and provided further that it shall be liable to any and all the damages the public or any person may sustain while such construction is in progress.

5. The said company is authorized and empowered to purchase, hold, own, lease and control in any manner grant, bargain, sell, mortgage, convey and otherwise dispose of any real or personal estate or standing timber in this state or elsewhere, provided said company shall not hold more than twenty thousand acres of land in any one county at the same time, and to lay out said lands, or any part thereof, into parcels or lots of convenient size with intervening roads, lanes, streets and alleys, and develop, work, improve and cultivate, or otherwise use or dispose of the same in such manner and upon such terms as the said company may think proper.

6. The said company is authorized and empowered to mine and quarry coal, iron ore, marble, stone and other mineral substances, and to prepare and manufacture the same for use and sale in all manner of forms it may

adopt, and to manufacture and prepare for market and sale timber and stone and all other raw material, mineral or vegetable, and for this purpose may erect and operate all kinds of mills, works, furnaces, coke-ovens and machinery of any and every description for the enjoyment of the privileges herein granted to the fullest and most ample extent.

7. The said company shall have the right to build tramways or railroads, to be operated by steam or horse or electric power; to connect their marble works, oil and gas wells, mills, quarries, lands, manufactories or other works with such places and railroads or other transportation companies as they determine to build to, and said company shall have the right to acquire the rights of way necessary to build said tramways or railroads, not exceeding sixty feet in width, and land not exceeding two acres in any one parcel, by condemnation, as the company may deem necessary for the transaction of its business, and if the company and owners thereof cannot agree as to the compensation to be paid for the said rights of way of said parcels of land, not exceeding two acres in any one parcel, the matter shall be settled as is provided in chapter forty-six of the code of Virginia of eighteen hundred and eighty-seven.

8. The five persons first named in this act shall constitute the first board of directors of the said company, one of whom they shall elect president; they shall adopt a code of by-laws, appoint a secretary and treasurer; and when so organized, they shall be authorized to change the corporate name of the company, if so desired; to fix from time to time, the amount of capital stock; and to exercise all the powers conferred by this charter. The secretary shall certify said organization on the books of the company, a copy of which, duly attested by a notary public, shall be received in all courts and elsewhere as evidence of the legal organization of the company. They shall continue in office for one year, and until their successors are elected by the stockholders. Each shareholder in the company shall, at the meetings or elections, be entitled to one vote for each share of stock registered in his name. Any director may act at all meetings of the board through his attorney in fact.

9. The board of directors may establish offices and agencies at such places as they may deem proper, but the annual meeting shall be held and the principal office shall be in the state of Virginia.

10. No stockholder shall ever be liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said company on account of stock purchased from the company by the said stockholder.

4. The said company is authorized and empowered to bore, lease and operate wells for gas, oil or other liquids, and to mine and quarry coal and other mineral substances. And the said company is authorized and empowered to construct, maintain and operate anywhere in this state or in other states, upon its complying with the legislative requirements of such other states, pipe lines, tanks, distributing pipes and the necessary works and appurtenances of all kinds, for the purpose of manufacturing, delivering, conducting, storing, handling and supplying corporations or individuals for use in mills, furnaces, manufacturing establishments and for other purposes with its manufactures and products, and for the purpose of constructing, maintaining and operating any of the above works, the said company shall have all the rights, powers and privileges necessary to carry out the purposes of this act to the fullest and most ample extent, and those which are given to internal improvement companies by the laws of the state. Whenever this corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be imposed by law upon other like corporations; and it is further provided the said taxes shall be paid in lawful money of the United States and not in coupons, and provided that whenever it shall for the purpose aforesaid, cross or occupy any street, highway or alley, it shall lay its pipes below the surface so as not to interfere in any way with the use of said streets, highways or alleys, and in so laying its pipes it shall not unnecessarily or unreasonably obstruct the use of any street, highway or alley, and shall after so laying its pipes in or across any such highway, street or alley restore the surface of such road, highway, street or alley to as good condition as before, and provided further that it shall be liable to any and all the damages the public or any person may sustain while such construction is in progress.

5. The said company is authorized and empowered to purchase, hold, own, lease and control in any manner grant, bargain, sell, mortgage, convey and otherwise dispose of any real or personal estate or standing timber in this state or elsewhere, provided said company shall not hold more than twenty thousand acres of land in any one county at the same time, and to lay out said lands, or any part thereof, into parcels or lots of convenient size with intervening roads, lanes, streets and alleys, and develop, work, improve and cultivate, or otherwise use or dispose of the same in such manner and upon such terms as the said company may think proper.

6. The said company is authorized and empowered to mine and quarry coal, iron ore, marble, stone and other mineral substances, and to prepare and manufacture the same for use and sale in all manner of forms it may

adopt, and to manufacture and prepare for market and sale timber and stone and all other raw material, mineral or vegetable, and for this purpose may erect and operate all kinds of mills, works, furnaces, coke-ovens and machinery of any and every description for the enjoyment of the privileges herein granted to the fullest and most ample extent.

7. The said company shall have the right to build tramways or railroads, to be operated by steam or horse or electric power; to connect their marble works, oil and gas wells, mills, quarries, lands, manufactories or other works with such places and railroads or other transportation companies as they determine to build to, and said company shall have the right to acquire the rights of way necessary to build said tramways or railroads, not exceeding sixty feet in width, and land not exceeding two acres in any one parcel, by condemnation, as the company may deem necessary for the transaction of its business, and if the company and owners thereof cannot agree as to the compensation to be paid for the said rights of way of said parcels of land, not exceeding two acres in any one parcel, the matter shall be settled as is provided in chapter forty-six of the code of Virginia of eighteen hundred and eighty-seven.

8. The five persons first named in this act shall constitute the first board of directors of the said company, one of whom they shall elect president; they shall adopt a code of by-laws, appoint a secretary and treasurer; and when so organized, they shall be authorized to change the corporate name of the company, if so desired; to fix from time to time, the amount of capital stock; and to exercise all the powers conferred by this charter. The secretary shall certify said organization on the books of the company, a copy of which, duly attested by a notary public, shall be received in all courts and elsewhere as evidence of the legal organization of the company. They shall continue in office for one year, and until their successors are elected by the stockholders. Each shareholder in the company shall, at the meetings or elections, be entitled to one vote for each share of stock registered in his name. Any director may act at all meetings of the board through his attorney in fact.

9. The board of directors may establish offices and agencies at such places as they may deem proper, but the annual meeting shall be held and the principal office shall be in the state of Virginia.

10. No stockholder shall ever be liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said company on account of stock purchased from the company by the said stockholder.

11. This charter herein granted, except as to matters herein specially provided for, is hereby declared to be subject to the provisions of the general law in regard to chartered companies and corporations.

12. This company, so far as its properties are located and its operations are conducted within this state, shall always remain a Virginia corporation, and subject to the jurisdiction of its courts.

13. This act shall be in force from its passage.

CHAP. 384.—An ACT to incorporate the Berryville and West Virginia railroad company.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That Carroll Sprigg, R. P. Page, William Clements, A. W. McDonald, Thomas D. Gold, Frank Beckwith and A. Moore, junior, and their associates, successors and assigns be, and they are hereby, made and declared a body politic and corporate by the name and style of the Berryville and West Virginia railroad company, for the purpose of constructing, maintaining and operating a railroad between Berryville, Virginia, and some point on the line of West Virginia, in the county of Jefferson. Said company shall have perpetual succession and a common seal, which it may adopt, alter or renew at pleasure, and may sue and be sued, plead or be impleaded, contract or be contracted with, and make ordinances, by-laws and regulations not inconsistent with the provisions of this act, the laws of this state or of the United States, for the government of its officers and agents and the proper conduct of its affairs. The principal office of the said company shall be in Berryville, Virginia.

2. The capital stock of the company for constructing, equipping and operating that part of its road in the state of Virginia shall not be less than twenty thousand dollars nor more than one hundred thousand dollars. All shares issued by the said company shall be of the par value of fifty dollars each.

3. The said company may receive subscriptions to its capital stock in cash, land, labor, materials and equipment at such valuation (if not in cash) as may be agreed upon by the said company and the subscribers, and may take such subscriptions payable in such manner and in such amounts and at such time or times as may be agreed upon by said company and its subscribers. And it shall be lawful for said company to receive and hold the title

to all lands so acquired, and also to such lands as it may acquire by purchase or voluntary grant subject to the general laws of the state.

4. The said company shall be, and is hereby, authorized and empowered to survey, locate, construct, equip, maintain and operate a line of railroad of standard gauge; that is to say, not less than four feet eight inches wide, with a single or double track from Berryville, Virginia, to a point on the line of West Virginia, in the county of Jefferson; and to that end the said company is invested with all the powers conferred by the general laws of this state, and subject to all the restrictions of the same relating to railroad companies and not inconsistent with this act.

5. The said company shall have power to borrow money to such an amount as it may deem proper, after twenty thousand dollars of its capital stock has been subscribed and two per centum thereof paid in cash, and to issue for any loan debentures, or bonds of the company, bearing interest not exceeding six per centum per annum, and to secure the payment of such loan or loans, principal and interest, said company may execute one or more mortgages or deeds of trust upon the whole or any part of its property, real, personal, and mixed, its charter, rights, franchises, and income.

6. The said company shall have power to construct, equip, and maintain lateral or branch railroads or tramways of any gauge whatever, not exceeding twenty miles each in length, which shall have all the rights and powers and be subject to the same restriction as the main line; and shall have power to acquire by purchase or lease, or by operating contract, any railroad now built which would form a part of the line of railroad herein authorized to be constructed.

7. The said company shall have power to connect with any other railroad in the state of Virginia by branch road or otherwise, and to construct and extend its railroad over any public highway in the state of Virginia by permission of the authorities having legal charge of said public highways.

8. It shall be lawful for any incorporated company to aid in the construction of the said railroad, and for that purpose may acquire the bonds of the company hereby created; and the said company hereby created may run, use or operate by lease, consolidation or otherwise, any railway or transportation line upon such terms as may be agreed upon between them: provided, this company shall not be leased or consolidated with a competing or a parallel line: provided further, that if this company shall ever be consolidated with any foreign corporation, in accordance with the provisions of this section the con-

solidated company shall always be a Virginia corporation in regard to the right of suing and being sued.

9. The corporators herein mentioned shall have all the powers and authority of a president and board of directors for the purpose of the organization of the said company, and for all other purposes, until a president and board of directors shall be elected at a stockholders' meeting, and said meeting shall be held upon such notice given in such manner as the said corporation may deem proper, when twenty thousand dollars of the capital stock of the said company shall have been subscribed.

10. The said company shall have power to cross at grade, over or under, join or unite its railroad with any other railroad now built or constructed within the state of Virginia, at any point on its route and upon the ground of such railroad company, with the necessary turnouts, sidings, and switches and other conveniences in furtherance of its connections, subject to the general laws of the state.

11. The said company is required to commence the construction of its said railroad in this state within two years and to complete the same within five years from the passage of this act.

12. This act shall be subject to repeal, amendment or modification at the pleasure of the general assembly, and it is agreed that the said company will always pay its taxes in lawful money of the United States or in gold.

13. This act shall be in force from its passage.

CHAP. 385.—An ACT to incorporate the Norfolk and Lambert's Point street railway company.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That J. H. Dingee, Joseph I. Doran, John Graham, junior, H. L. Smith, Fergus Reid, C. Brooks Johnston, John N. Vaughan, N. M. Osborne and Alfred P. Thom, their associates, successors and assigns, be, and they are hereby, constituted a body politic and corporate under and by the name and style of the Norfolk and Lambert's Point street railway company, and by that name shall have perpetual succession and a common seal, which they may alter or amend at their pleasure, and may sue or be sued, implead and be impleaded, contract and be contracted with, purchase, hold and grant estates, real and personal, and make ordinances, by-laws and regulations consistent with the laws of this state and of the United States for the

government of all under their authority, for the management of their estates and the due and orderly conduct of their affairs.

2. The capital stock of said company shall not be less than twenty-five thousand dollars and not more than five hundred thousand dollars, divided into shares of the par value of one hundred dollars each. The above-named J. H. Dingee, Joseph I. Doran, and John Graham, junior, or any three of the above-named incorporators, to be selected by themselves, are hereby created a commission, and are authorized to receive subscriptions to the capital stock of said corporation, and for this purpose may open subscription books in such manner and after such notice as they may deem necessary, and may keep the same open until the minimum amount above named shall have been subscribed. Thereafter, within their discretion, they may call a meeting of the subscribers and organize the company. From time to time the capital stock may be increased, under such regulations and upon such terms and at such price as the board of directors of said company may prescribe, until the maximum amount above named shall have been issued; and the board of directors may receive bonds or stock of other incorporated companies, lands, rights of way and other property, real or personal, in payment of subscriptions to the capital stock at such valuation as may be agreed upon.

3. The said company is authorized to lay out, construct, equip, maintain and operate one or more lines of street railway, either single or double track, to run over and through such streets or parts of streets of the city of Norfolk, Virginia, as the board of directors of said company shall determine, and shall have the right to construct, maintain and operate a railway to any point within ten miles of said city, in the counties of Norfolk and Princess Anne; provided, that before said company shall begin to construct its railway upon any street in said city the consent of the council of the said city shall be obtained thereto, and under such terms and regulations as they may prescribe. Such line or lines of railway may be operated by horse, electric or other motive power except steam, and may transport passengers or freight, or both, and for such rates of toll as the directors of said company may from time to time prescribe.

4. The said corporation may acquire by gift, purchase or lease, and may hold and convey real estate in the city of Norfolk and in the counties of Norfolk and Princess Anne; such real estate, however, not to exceed at any one time fifty acres; and whenever the railway of said company is not located upon any street or public road, the said company shall have the right to acquire the land needed for the same by gift, purchase or lease, and the said land so

acquired may be in addition to the quantity hereinbefore authorized to be held by said company: provided that nothing in this act shall be construed to permit the construction of any railway line in the city of Norfolk on any street parallel to a line of street railway already existing nearer than two squares to any such street except upon streets within two squares of Main or Granby streets; and provided further, that nothing herein contained shall be construed as in any way abridging the right of the city councils of Norfolk to give the right to the company hereby incorporated to run over the line of any existing road under the terms and provisions of an ordinance adopted by the city councils in January, eighteen hundred and eighty-eight, or of preventing the city councils from giving the right to the company hereby incorporated to run their lines on Atlantic street, or on Tripoli street, or on Granby street, between College place and City Hall avenue, if on Granby street the location of said line does not interfere with the double tracking of said street by the existing line thereon; and provided further, that no street railway line shall be built by the company hereby incorporated in Norfolk county upon any public road already granted to any other street railway line by this legislature parallel to or nearer than three hundred yards to any street railway so chartered.

5. The said company may connect or unite its line or lines of railway with any other street railway, or may consolidate its stock, property or franchises with those of any other such street railway company upon such terms as may be agreed upon between the respective boards of directors of such companies so uniting or consolidating; and for such purpose power is hereby granted it and to such other company or companies to make and carry out such contracts as will facilitate and complete such connection or consolidation. The said company may sell or lease the whole or any part of its railway appurtenances and franchises to any other connecting railway, and may lease or acquire from the owners of such other railway the whole or any part of its railroad appurtenances and franchises.

6. The said company may acquire by subscription, purchase or otherwise the stock or bonds of any other incorporated company; and it shall be lawful for said company to issue or sell its bonds from time to time for such sums and upon such terms as its board of directors may deem expedient, and may secure the payment of any bonds by a deed or deeds of trust or mortgage upon all or any of its property and franchises, including its franchise to be a corporation, and may reserve the right to the company to confer on the holders of any bonds of said company the right to convert the principal thereof into stock of the said company at any time; and any other incorporated

company may, by purchase, subscription or otherwise obtain, hold or transfer the bonds or stock of said company.

7. The officers of said corporation shall be a president, vice-president, secretary and treasurer, and a board of seven directors, including the president and vice-president, who shall be ex-officio members, and such other officers as the board of directors may from time to time determine; and the terms of office, modes of election and duties of said officers shall be prescribed by the by-laws of said corporation, subject to the general law of this state.

8. The principal office of said corporation shall be in the city of Norfolk, Virginia.

9. All taxes due to the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

10. This act shall be in force from its passage.

CHAP. 386.—An ACT to authorize the personal representative of James L. McIntosh, deceased, late treasurer of the county of Loudoun, and his deputies, to collect certain unpaid taxes.

Approved February 26, 1892.

1. Be it enacted by the general assembly of Virginia, That the personal representative of James L. McIntosh, late treasurer of Loudoun county, is hereby given authority to collect, by levy or otherwise, all unpaid tax tickets for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine and eighteen hundred and ninety, which have not been returned delinquent and insolvent, and this authority shall continue for the space of two years from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 387.—An ACT to require the board of supervisors of the counties of Amelia, Cumberland, Nottoway, Prince Edward, Goochland, Chesterfield, and Powhatan to protect poultry.

Approved February 26, 1892.

1. Be it enacted by the general assembly of Virginia, That the boards of supervisors of Amelia, Cumberland, Nottoway, Prince Edward, Goochland, Chesterfield, and Powhatan counties shall have the power, and it shall be their duty, as soon as is practicable after the passage of this act, to award a premium, not exceeding one dollar and

fifty cents, for each scalp of a red fox, seventy-five cents for the scalp of each gray fox, and fifty cents for each hawk, owl, mink, and weasel, upon satisfactory evidence that the same were respectively killed within the limits of the county and by the person in whose behalf the same may be presented, to be paid on warrant of said board on the county treasurer.

2. This act shall be in force from its passage.

CHAP. 388.—An ACT to amend and re-enact the first section of an act approved February 18th, 1890, entitled an act to incorporate the Alexandria and Fairfax passenger railway company.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of an act approved February eighteen, eighteen hundred and ninety, entitled an act to incorporate the Alexandria and Fairfax passenger railway company, be amended and re-enacted so as to read as follows:

§ 1. That Henry Strauss, Isaac Eichberg, George W. Fisher, and their associates and their successors, be, and they are hereby, incorporated and made a body politic and corporate by the name and style of the Washington, Alexandria and Mount Vernon electric railway company, by which name it shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have and exercise all the rights, powers, and privileges, and be subject to all duties and obligations of corporations of a like character under the laws of the state of Virginia.

2. This act shall be in force from its passage.

CHAP. 389.—An ACT authorizing the treasurer of Rappahannock county to deposit county funds in a national bank.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the treasurer of Rappahannock county be, and he is hereby, authorized to deposit the county funds of said county in such bank as the county supervisors of said county may designate: provided that said bank shall be a national bank.

2. This act shall be in force from its passage.

CHAP. 390.—An ACT to amend and re-enact section 1072 of the code of Virginia, as amended by the act approved February 13, 1890, in reference to the construction of railroads.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section one thousand and seventy-two of the code of eighteen hundred and eighty-seven, as amended by the act of the general assembly, approved February thirteenth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 1072. Company for internal improvement may enter upon land to make surveys.—Any company incorporated for a work of internal improvement may, by its officers, agents or servants, enter upon any lands for the purpose of examining the same, and surveying and laying out such as may seem fit to an officer or agent authorized by it: provided no injury be done to the owner or possessor of the land. But no company shall, under the authority of this section, throw open any fences or enclosures on any land, or construct its works through the same, or in any way injure the property of the owner or possessor without his consent; nor shall a company, under any provision of this chapter, invade the dwelling-house of any person in any city or town, or any space within sixty feet thereof, without the consent of the owner, except in the case of a railroad company, when it is decided by the commissioners (appointed to ascertain the value of the land to be taken) that it would otherwise be impracticable without unreasonable expense to construct such railroad; nor shall a company under any provision of this chapter invade the dwelling-house of any person in any county, or any space within sixty feet thereof, without the consent of the owner, except in the case of a railroad company, when it is decided by the commissioners (appointed to ascertain the value of the land to be taken) that it would be otherwise impracticable without unreasonable expense to construct such railroad by reason of the conformation of the county.

2. This act shall be in force from its passage.

CHAP. 391.—An ACT to authorize Tomlin Braxton to erect a wharf on his property, on Pamunkey river, in King William county.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That Tomlin Braxton be, and he is hereby, authorized and

permitted to erect a wharf on his property lying on Pamunkey river, in King William county, and into said river, for the purpose of landing, shipping, and storing produce or other commodities, and for landing and shipping passengers to and from the same for himself and others; said wharf to be erected on any part of the waterfront of the lands of said Braxton that he may elect. Said Tomlin Braxton, his heirs, and assigns shall have the right to renew, repair, or enlarge such wharf, and to charge and collect such compensation for the use of such wharf as may have been agreed upon by and between the parties, or as is usual: provided, that this wharf shall not obstruct navigation; and provided, also, that this act shall at all times be under the control of the general assembly, and be amended or repealed, as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 392.—An ACT to incorporate the Richmond society for the prevention of cruelty to animals.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That Robert Stiles, William B. Palmer, James Lyons, John L. Williams, Hill Montague, Thomas N. Carter, J. R. V. Daniel, B. Rand. Wellford, D. C. Richardson, W. W. Landrum, George N. Woodbridge, W. J. Leake, all of the city of Richmond, in the state of Virginia, and such other persons as are now or may hereafter be associated with them, and their successors, be, and they are hereby, constituted a body corporate under the name and style of the Richmond society for the prevention of cruelty to animals, and by that name shall have perpetual succession and a common seal.

2. The object of the said corporation shall be the prevention of cruelty to animals.

3. The said corporation may sue or be sued, contract and be contracted with; may acquire by purchase, gift, devise, or bequest, property, real or personal, and may lease, manage, control, exchange, mortgage, sell, convey, or dispose of said property. The value of real property to be held by said corporation at any one time shall not exceed the sum of twenty-five thousand dollars, and the amount of personal property shall not exceed ten thousand dollars.

4. The officers of the said corporation shall consist of a president, five vice-presidents, one secretary, one treasurer, who, together with the counsel of said corporation, shall be ex-officio members of the executive committee, which

committee shall consist of ten members in addition to the ex-officio members aforesaid.

5. The foregoing officers shall be chosen from among the members of the society in such manner as its by-laws may prescribe.

6. A library may be created for the use of the society.

7. The said society, for fixing the terms of admission of its members, for the government of the same, for the election, changing, and altering the officers above named, and for the general regulation and management of its affairs, shall have power to form a code of by-laws not inconsistent with the laws of the state of Virginia or of the United States, which code, when formed and adopted at a regular meeting, shall, until modified or rescinded, be equally binding as this act upon the society, its officers, and members.

8. This act shall be in force from its passage.

CHAP. 393.—AN ACT to allow E. J. McCulloch, late treasurer of Botetourt county, further time to make settlement and return delinquents, and to collect tax tickets.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, that E. J. McCulloch, late treasurer of Botetourt county, be allowed to the first day of July, eighteen hundred and ninety-two, to make final settlement of his accounts with the board of supervisors of Botetourt county, and to make returns of insolvent and delinquent lists of taxes for eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, eighteen hundred and ninety, and eighteen hundred and ninety-one, from first of July, eighteen hundred and eighty-seven, to July first, eighteen hundred and ninety-one; and when said lists have been certified by the board of supervisors and by the county court of Botetourt, as prescribed by law, the said treasurer shall be allowed the proper credits in his settlement with the supervisors and school boards of his county, provided the sureties of said treasurer shall file their assent in writing to the provisions of this section with the clerk of the county court of Botetourt on or before the first day of April, eighteen hundred and ninety-two.

2. The said McCulloch, late treasurer, is hereby authorized to collect by himself or by his deputies, in the manner prescribed by law, such tickets for state taxes and county levies as yet remain in his hands which have not been returned insolvent or delinquent uncollected for the years

eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, eighteen hundred and ninety, and eighteen hundred and ninety-one: provided the same shall be collected by the first day of July, eighteen hundred and ninety-two.

3. This act shall be in force from its passage.

CHAP. 894.—An ACT to amend an act incorporating the trustees of Union theological seminary, in Virginia, passed January 9, 1867.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the act passed the ninth day of January, eighteen hundred and sixty-seven, entitled "An act for the incorporation of the trustees of Union theological seminary, in Virginia," be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That Henry M. White, William T. Richardson, T. J. Kirkpatrick, L. B. Turnbull, J. M. Sydenstriker, P. D. Stephenson, Alexander Martin, J. P. Fitzgerald, A. C. Hopkins, T. L. Preston, J. Hoge Tyler, W. E. McIlwaine, D. D. McBride, William J. Martin, J. Rumble, P. H. Hoge, C. E. Graham, F. H. Johnston, Alexander Sprunt, B. F. Hall, J. Henry Smith, H. G. Hill, E. Nye Hutchison, and such other persons as may be associated with them and their successors be, and they are hereby, appointed a body politic and corporate by the name and style of the trustees of Union theological seminary, in Virginia, and by that name shall have a perpetual succession and common seal; may contract and be contracted with, sue and be sued; may acquire, receive, hold, possess and enjoy, and may rent, sell, convey, invest and otherwise manage and dispose of, as to them may seem most conducive to the interest of said seminary, all lands, money or other property, real or personal, which may have been or which may be given or otherwise acquired for the use of said seminary; and the said trustees and their successors shall hold office as trustees no longer than they remain in office as directors, or till their successors enter upon the discharge of their duties as trustees.

§ 2. The said trustees, and their successors, as a board, shall have power to fill vacancies in their own body, the persons elected to fill such vacancies to be chosen from the directors appointed under the plan and constitution of said seminary; to appoint a treasurer, secretary, professors and such other officers as they may deem best. They

may, for cause deemed good by a majority of the trustees, for the time being, remove from office any professor, teacher, trustee or other officer of the seminary, and shall have power, from time to time, to make and establish by-laws, rules and regulations for the management of the institution not inconsistent with the laws and constitution of Virginia.

§ 3. The treasurer, before entering upon the duties of his office, shall execute bond, to be approved by the trustees or some one appointed by them, in such penalty as the trustees shall direct conditioned for the faithful performance of the duties of his office; and it shall be lawful for the trustees to obtain judgment for any part thereof, or for any special delinquency incurred by the treasurer, on motion in the circuit court of Prince Edward county against the treasurer and his securities, upon giving the parties thirty days' notice of said motion.

§ 4. Seven trustees shall be requisite to constitute a quorum for the transaction of business, but it shall require a majority of all the trustees to constitute a quorum for the sale or mortgage of real estate, or the election of a professor or other officer, or for the removal of an officer or professor.

2. This act shall take effect from its passage, and shall be subject to amendment, modification or repeal, at the pleasure of the general assembly.

CHAP. 395.—An ACT to authorize the board of supervisors and boards of commissioners of roads of Rockingham and Culpeper counties to provide for the further improvement of making, changing, and working roads in Rockingham and Culpeper counties.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the boards of commissioners of roads in the counties of Rockingham and Culpeper, in joint session and in full attendance, to formulate a system or to make amendments to the present road law of Rockingham and Culpeper counties for the further improvement of and for making, changing, and working roads of said counties, the revenues for carrying out the provisions of such system or amendments to be provided for by county and district levies of said counties; and upon the adoption of such system or amendments by the board of supervisors, a copy of which shall be filed with the clerk of the county court, all acts or parts of acts inconsistent therewith shall be repealed.

2. This act shall be in force from its passage.

CHAP. 396.—An ACT to amend and re-enact section 2130 of the code of Virginia, in reference to fish.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section two thousand one hundred and thirty of the code of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 2130. The commissioner of fisheries shall transmit a copy of his report, made according to the next preceding section, to the commissioner of agriculture, to be by him published in his annual report; and the auditor of public accounts, on the presentation of the accounts of the commissioner, approved by the governor, shall issue warrants on the treasury for the payment thereof out of any sums appropriated by the general assembly for the purpose of paying the necessary expenses of the commissioner and carrying out the provisions of the three preceding sections.

2. This act shall be in force from its passage.

CHAP. 397.—An ACT to amend and re-enact paragraph 65, chapter 7, of the 33d chapter of acts of the general assembly of Virginia, session 1883-4, entitled "An act providing a charter for the city of Norfolk, and repealing the existing charter," approved April 1, 1882.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That paragraph sixty-five of chapter seven of the thirty-third chapter of acts of assembly of session of eighteen hundred and eighty-three and eighteen hundred and eighty-four, entitled "An act providing a charter for the city of Norfolk, and repealing the existing charter," approved April first, eighteen hundred and eighty-two, be amended and re-enacted so as to read as follows:

¶ 65. The city councils shall organize and maintain a fire department for said city, and appoint a chief engineer and one assistant, with any or all of the powers which have been or may be vested by law in such officers. They may also make rules and regulations for the government of the officers and men of said fire department; may prescribe their respective duties in case of fire or alarm of fire; may direct the dresses or badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercises; shall fix their pay, and may impose reason-

able fines for the breach of any such regulation. They may also make such ordinances as they may deem proper to extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need.

2. This act shall be in force from its passage.

CHAP. 398.—AN ACT to amend and re-enact section 2099 of the Code of Virginia, 1887, with relation to license required for catching fish for oil or manure.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section two thousand and ninety-nine of the code of Virginia be, and the same is hereby, amended so as to read as follows:

§ 2039. Every person who owns a seine, purse-net, or vessel of any description, to be engaged in catching fish to be manufactured into oil or manure, or selling them to any person engaged in the manufacture of such oil or manure, or vessel in which to carry them to the factory, shall first obtain from the county court of the county in which he resides a certificate authorizing him to obtain a license to carry on said business; and before issuing such certificate the judge of the county court shall require the person applying for the same to state on oath the true names of the persons owning the seine, purse-net, vessel, or vessels, and all apparatus thereunto belonging, or who are to be interested in fishing therewith; that they are and have been for twelve months next preceding residents of this state; that they will not take or catch fish with any non-residents; that the nets and vessels thus to be employed by them in catching fish for manufacturing oil or manure, as aforesaid, are not held by an agreement or charter, with intention to return the same at any subsequent time to a non-resident, and that during the period of the license they will not violate any of the laws of this state in regard to the taking or catching of fish: provided, however, that nothing herein shall be construed to prevent the owner of the seine, purse-net, or vessel aforesaid, from employing any non-resident to command or work said seine, purse-net, or vessel.

2. This act shall be in force from its passage.

CHAP. 399.—An ACT to incorporate the society of the Brothers and Sisters of the churches aid society of the state of Virginia.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That Reverend J. S. Nichols, Proctor Johnson, Benjamin Short, Simon Grammer, H. P. Lambert, Claiborne Taylor, Hal Brydie, Tinker Edmunds, James Stewart, Henry Fields, H. P. Jones and John Dance, and such other persons as are now or may hereafter become members of said society, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Brothers and Sisters of the churches aid society" of the state of Virginia, and by this name shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, and in all respects shall be invested with the rights and privileges conferred, and subject to the restrictions and regulations prescribed for corporations by the general laws, so far as the same are applicable to this corporation and not inconsistent with this act; that it shall have a grand lodge of the state, which lodge shall have the power and privilege to appoint and organize subordinate lodges.

2. Said corporation may acquire and hold property, real and personal, to an amount not exceeding five thousand dollars.

3. The object of said society shall be the mutual benefit and protection of its members, the aid of the sick, the burial of the dead and the protection of the virtue and general morals of the young.

4. Said order shall have power to make and adopt a constitution and by-laws, rules and regulations for the admission and expulsion of members and for their government, the election of its officers, and to define their duties, and for the safe-keeping and protection of their property and funds: provided, the same be not inconsistent with the laws of the United States and of this state.

5. This act shall be in force from its passage.

CHAP. 400.—An ACT to allow the voters in a certain portion of Augusta county to vote on a stock law.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county court of Augusta county, or the judge thereof in vacation, upon the petition

of at least one hundred resident freeholders of said county, who reside within that portion of Augusta county lying between the Shenandoah Valley branch of the Norfolk and Western railroad on the east, extending from the county line of Rockingham to the county line of Rockbridge, and a line on the west beginning at the Rockbridge county line on the Middlebrook and Brownsburg pike, and running with said road to George Rose's shop; thence with that road to St. Mark's church; thence with the Walker's creek road by Shermarriah church down the Summerdean road to the road forking towards Middlebrook; thence along a road parallel with Middle river to Joseph B. Trimble's mill; thence along a road known as the Mountain road to the Parkersburg pike; thence with the Buffalo gap and Churchville road to the line between Baxter Crawford and C. A. Bear; thence with a straight line by Baxter Crawford to the Shirley house; thence with the road to Farrer's house; thence along the Lone Fountain road to Lone Fountain post-office; thence west with the Churchville and Jennings's Gap road to S. B. Allan's house; thence with the Parnassus road to the Warm Springs and Harrisonburg road to Jacob Swartz's house; thence with said road to Stribling springs; thence with the Mount Solon road to Walton's shop; thence along a county road north of North River gap road; thence following North River to the house of C. Anderson; thence north via Emanuel church and Mountain View school-house on a road known as the Mountain road; thence to the Rockingham county line, to submit to the qualified voters in the aforesaid described portion of said county, the question as to whether there shall or shall not be a stock law within the aforesaid boundary. Said election shall be held at some time during the month of April, eighteen hundred and ninety-two. No incorporated town shall be allowed to vote in this election. The said court, or the judge thereof in vacation, shall prescribe the day and manner in which said election shall be held. If it shall appear from the returns thereof that a majority of the votes cast in such election are in favor of a stock law, then it shall be unlawful for the owner or manager of any horse, mule, cow, sheep, swine, cattle, or any other domestic animal, to permit said animals to go at large upon any highway or uninclosed land in said boundary as before described, from and after a date to be fixed by said court, or the judge thereof in vacation, not exceeding three months from the date of said election. Any violation of this act shall subject the owner or manager of such animal to the provisions of sections two thousand and forty-two, two thousand and forty-nine, and two thousand and fifty of the code of Virginia. Nothing in this act shall be construed as exempting any railroad corporation from the present laws as to killing or injury to any live stock within

the aforesaid boundary. This act shall apply only to the territory hereinbefore described.

2. This act shall take effect from its passage.

CHAP. 401.—An ACT to provide for the working of roads in Gainesville district of Prince William county.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the district of Gainesville, in the county of Prince William, after the first day of January, eighteen hundred and ninety-three, to locate, open, change, and repair highways, roads, and bridges, as follows:

2. That for Gainesville magisterial district, in the county of Prince William, there is hereby created and established a board, consisting of the supervisor, a commissioner of the roads, and one of the justices of the peace of said district, which board shall have the exclusive control of the roads and bridges within its limits, and all taxes levied for road purposes, and for building and repairing bridges, shall be expended in said district, as hereinafter provided. The justice of the peace constituting a member of the board, shall be chosen and designated by the three justices of the peace elected and commissioned in said district, and the commissioner of roads shall be elected by the voters of the district as hereinafter provided. The designation of the justice who is to serve on said board shall be in writing, and shall be preserved and recorded by the board. The board hereby created and constituted is declared to be a body politic and corporate, and shall be known and designated as the board of commissioners of roads for Gainesville magisterial district.

3. That the sub-road districts as now laid out and described by metes and bounds within the lines of the district shall remain as they now are, unless and until they shall be changed by said board.

4. That annually, there shall be appointed by said board (not later than the fourth Saturday in May in each year) one overseer of roads for each sub-road district, whose term of office shall be for one year, beginning on the first day of July succeeding his appointment. He shall reside in the district for which he shall have been appointed, and shall have charge of the roads in his district. If any such overseer refuse to serve after being appointed, or fail to work the roads in his district when directed by

the road commissioner, he shall be liable to a fine, on presentment by the grand jury, not exceeding fifty dollars; but any person, after being overseer for two consecutive years, may give up his office on producing a certificate to the board from the road commissioner, or other satisfactory evidence, that the roads in his district are in proper order, and he shall not, within two years thereafter, be appointed overseer without his consent.

5. That his duties shall be to see that the roads of the district are kept in good repair; that the bridges are in safe condition; that the roads are kept free from obstructions; that all loose stones are removed; and for these purposes may employ such number of laborers, teams, wagons, and plows as may be necessary, and a just allowance shall be made for the labor, teams, plows, and other implements which may be hired, such allowance not to exceed that paid by the county for like service immediately prior to the passage of this act, and a day's work shall be fixed at ten hours. He shall purchase or hire all tools and implements necessary for working the roads, subject to the approval of the commissioner of roads, and shall have the custody of the same, and shall perform such other duties as may be prescribed by law or directed by the commissioner of roads. His compensation shall be one dollar and fifty cents per diem for each day actually employed.

6. That on the fourth Thursday in May, eighteen hundred and ninety-three, and every two years thereafter, there shall be elected in said magisterial district, according to the provisions of the general election law, one commissioner of roads, whose term of office shall be for two years, beginning on the first day of July next succeeding his election. He shall reside in the district for which he is elected. Each commissioner of roads thus elected shall qualify at the time and in the manner prescribed for the qualification of magisterial district officers, and shall at the time of his qualification, or if he shall have already qualified, give bond with good personal security in not less than five hundred or more than one thousand dollars.

7. That the commissioner of roads shall have charge of all the roads in his magisterial district. His duty shall be to see that all the roads in his district are of the proper width, and in all cases where they are not to notify the person trespassing by written notice; and if the obstructions are not removed after reasonable notice, not to exceed ninety days, he shall direct the overseer of the district to remove the fencing or other obstruction, and may recover the expenses, with cost, from the trespasser, upon a judgment of a justice of the peace. He shall examine the roads in his district twice in each year, in the months of May and October, and see that the roads and bridges

are kept in good repair by the overseer; and if he shall find any overseer delinquent in the discharge of the duties imposed upon him by this law, or by the commissioner of roads, the said commissioner shall give him notice in writing, and on his failure to discharge said duties in a reasonable time, he shall, unless good cause be shown, remove him from his office and forthwith appoint another in his place. His compensation shall be two dollars per diem for each day in which he has been or may be employed in discharging his duties under the provisions of this law, and to be paid by the road board of the district: provided, however, that persons applying for a new road, or to lay out, open, alter, or change a public road, shall, when the same is rejected, be charged with the per diem compensation of the commissioner of roads.

8. That every petition for a new road, or to lay out, open, alter, or change a public road, must first be presented to the road board of the district, who shall endorse thereon their approval or disapproval of the same and their reasons therefor, which petition and the report of the board shall be laid before the county court at its next term in open court, and the court shall appoint three discreet freeholders to view the ground of any new road or proposed change or alteration of an old road. The county or other competent surveyor shall accompany the viewers and survey and map the road or change. The whole number of viewers must view, but a majority may decide for or against, and they may view and make report of and estimate for any modification of the route.

9. That notice of the time and place when the viewers shall meet shall be given in some public manner in the vicinage of the proposed road at least five days before the time of meeting. A copy of said notice duly verified shall be returned to the court. The viewers, before they proceed to discharge their duties, shall be severally sworn by the commissioner of roads, or some other person authorized to administer oaths, to perform their duties impartially and to the best of their judgment. If they decide that there is a public necessity for the road or change, they shall lay out the same, having respect for the shortest distance and the best ground, and so as to do the least injury to private property, and also as far as practicable to be agreeable to the petitioners. They shall assess the damage done to the land through which the road passes, taking into consideration the advantage to be derived from the road passing through the land, and shall report in writing to the next term of court, but in no case shall any yard, garden, or orchard, or any part thereof, be taken without the consent of the owner.

10. That the court shall examine the said report and the amount of damages assessed, and if satisfied that the pub-

lic interest and convenience will be subserved by its payment and the opening of the road or the proposed change, shall approve the report and order the damages to be paid by the district for the portion of the road within said district; but upon the return of the report of the viewers, the proprietors or tenants of lands upon which said road will be established shall be summoned to show cause against said report, and any proprietor or tenant of said lands may enter himself a party defendant to said petition, after which the same proceedings shall be had as under the general road law of the state upon the return of the report of the commissioner of roads: provided that the viewers and surveyor shall be paid out of the county treasury.

11. That the county court, at the time when any new road shall be established, shall direct what width the road-bed shall be made, and shall have the power to regulate the width of all roads: provided that the land condemned for any new road shall not be less in width than thirty feet.

12. That the court may, at its discretion, grant a second or third review, the viewers to be paid the sum of one dollar per diem, to be paid as provided for in section ten of this act.

13. That the clerk of the county court shall keep a road docket, in which all proceedings in regard to roads in the county court shall be kept of record.

14. That in case a road is a dividing line between the district of Gainesville and any adjoining magisterial district, and the road board of the district cannot agree with the supervisors of the said district as to the proportionate expense to be borne by the respective districts, that the county court shall decide the same, and any other matter of controversy arising in regard thereto.

15. That under the direction of the road commissioner the overseers in their several districts shall erect at all points where roads cross or intersect, or diverge from each other suitable indicators showing the next most prominent place on the road and the distance. A failure to comply with this provision shall be punished by a fine of not less than five dollars for each offence; and any person who defaces, removes or in any way injures any indicator, shall be subject to a fine of five dollars, to be recovered by the commissioner of roads, upon a judgment of a justice of the peace; and any overseer shall have power to enter upon any lands adjoining his road to make necessary repairs, drains or ditches.

16. That the road board of the district shall annually, in the month of July of each year, lay a road tax not exceeding thirty cents on the dollar of the amount of state revenue, and a like percentage on licenses within the district as adjusted for the state and county tax, and shall

certify the amount to be raised to the commissioner of the revenue, and he shall extend the taxes against all property and persons in the district levied for road purposes, a copy of which shall be returned to the clerk's office of the county court, and from the said copy so returned the sheriff shall make out his book for the collection of said tax.

17. That the sheriff of the county shall collect the road tax and pay the same over to the commissioner of roads of the district. He shall be charged with the full amount of the road taxes levied for the year, and credited by all sums paid over in money, or otherwise, as herein provided. He shall, in the month of December in each year, give notice, by posting handbills in each road district to taxpayers, requiring them to call on him and pay their road tax. Such as shall make payment on or before the first day of March thereafter shall be entitled to a deduction of five per centum. The sheriff shall receive as an equivalent to money all accounts for labor, teams, wagons, ploughs, materials furnished, or for services rendered in any way, when properly certified to by commissioner of roads or overseer, and the same shall be receipted for by the commissioner as if paid to him in money. The commissioner of roads, acting under the provisions of this act, shall settle with the road board of the district on the first Monday in June of each year, or as soon thereafter as said board shall meet, and account for all moneys received by him from the sheriff for road purposes, and pay over any balance in his hands to his successor in office, which shall be placed to the credit of the board and appropriated for road purposes.

18. That if any person shall neglect to make payment of road taxes until after the first day of March, the sheriff shall make out a list of delinquents and the amount of taxes due from each, and shall collect them as now provided by law for the collection of state taxes.

19. That the road board shall annually, on the second Monday in June, audit, adjust and settle the accounts of the sheriff for the preceding year; that they shall charge the sheriff with the full amount of the road tax levied in the district, and shall credit him by his commissions, delinquents and all payments made by him to the commissioner of roads for which he has the proper receipt. He shall receive the same per centum for collecting road taxes as are allowed for collecting the state revenue.

20. Any person or persons causing water to be diverted from its natural course and conveyed across a public highway, or who by the erection of waste-gates, or any other means, shall cause water to flow or be conducted over such public highway, shall place and keep in good repair bridges over the same at his or her expense; and if the commis-

sioner or overseer of roads shall notify such person or persons that his or their bridge is unsafe, and such person or persons shall fail to make the necessary repairs, he or they shall be held responsible for all damages, to be recovered by warrant before a justice of the peace or court of competent jurisdiction, that may result from such failure. Within ten days after such failure the commissioner or overseer shall make such repairs and require each party or parties to pay all costs thereby incurred, which costs may be recovered before a justice of the peace or court of competent jurisdiction.

21. That upon the petition of fifty freeholders the road board of the district may direct that the county surveyor shall make a survey and map of the district, showing on the same the boundaries of the district, marking on the same the location of towns, stores, mills, post-offices, churches, school-houses, and other prominent objects, indicating beds of minerals—all the mappings to be completed within two years from the first of January, eighteen hundred and ninety-three.

22. That the compensation of the surveyor shall be fixed by the road board, and shall not exceed two dollars and fifty cents for the time actually employed.

23. That the price of the map on rollers shall not exceed two dollars, and each person whose levy for map purposes shall in three years be equal to two dollars, shall be entitled to a copy; and each person whose levy does not reach two dollars shall have a copy by paying the difference between his levy and the price of the map. The said maps shall be under the control of the surveyor: provided, the price of the same shall be fixed by the road board.

24. The general road law of this state, except so far as the same is in conflict with this act, shall remain and be in force in Gainesville district.

25. That one-third of all road taxes levied and collected by virtue of this act within the limits of any incorporated town within the district shall be paid over to the proper authorities of such towns: provided, they, by their town ordinances, provide for and keep their streets in good order and repair.

26. That all incumbents of offices under the road law now in force in Gainesville district shall continue in office and discharge the duties of the same until their successors are appointed and qualified under the provisions of this act, and all contracts made in pursuance of law shall remain in full force and effect.

27. That all special acts in relation to roads and the working of roads heretofore passed by the general assembly for the district of Gainesville be, and the same are hereby, repealed.

28. That this act must be ratified by receiving a majority of the votes cast in Gainesville district at an election to be held on the first Saturday in August, eighteen hundred and ninety-two, and if a majority of such votes cast should be against its adoption, it shall be void and of none effect.

29. This act shall be in force from its passage.

CHAP. 402.—An ACT to amend the charter of the town of Wytheville, define the jurisdiction and powers of certain officers, and extend the corporate limits.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of chapter one of an act approved February twenty-sixth, eighteen hundred and eighty-six (acts eighteen hundred and eighty-five and eighteen hundred and eighty-six, page two hundred and ninety-three), as amended by act of eighteen hundred and eighty—, and sections eight and eleven of chapter two of said act, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the territory in Wythe county included in the following boundaries: Beginning at the southern line of William Hufford's farm, at the blacksmith shop on the west side of Tazewell turnpike; thence running northeastly, parallel with Main street, to a stake in line with east side of Thirteenth street when extended, as shown on the map of the town; thence with the east line of Thirteenth street southeasterly to the present corporate line and the Raleigh and Grayson turnpike; thence from the Raleigh and Grayson turnpike in a direct line with the northwest side of North street, extending northeasterly to a stake in line with the northeastern corner or line of the Southwest Virginia agricultural association's fair grounds; thence with the eastern line thereof, or present corporate limits, to the old road, and with the old road to the McAdam road; thence with the McAdam road to a point where the old water-tank stood on the Norfolk and Western railroad; thence southwesterly in a direct line parallel with Main street to the south side of Reed river (or Reed creek); thence with the south side and meander of said river to the southern line of the Trinkle tract of the Wytheville development company; thence with the south line thereof to the west side of the Raleigh and Grayson turnpike; thence with the western line of said turnpike northerly to the south side of the Norfolk and Western railroad, and with the southern

thereof to a point opposite the southwest corner of the said development company's Trinkle tract; thence with the western boundaries of same and western boundaries of the eastern Bourne tract to the McAdam road; thence, crossing Pine Ridge at right angles to said McAdam road, to the north side of the old Ridge road; thence easterly with the northwesterly side of the said road to the south corner of the John A. Rowe tract, belonging to said development company; thence northwesterly with the western line of same to the northwestern corner of same; thence in a direct line to the beginning, shall constitute the corporate limits of said town.

§ 8. He shall, by virtue of his office, possess all the jurisdiction and exercise all the power and authority which may be conferred upon him by the ordinances of said town, in addition to the powers hereby given him by virtue of this act, as well as the powers and authority conferred by the laws of the commonwealth.

§ 11. In case of the absence or inability of the mayor, the president of the council shall possess the same power and discharge the same municipal duties of the mayor during such absence or inability. Any warrant which may be heard by the mayor may, in his absence or inability, be heard by any member of the council, or justice, who may be designated by the mayor or president of the council, as the case may be.

2. This act shall be in force from its passage.

CHAP. 403.—An ACT to allow R. H. Atkerson to erect a wharf on Chuckatuck creek.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That R. H. Atkerson, of the county of Nansemond, be authorized to erect a wharf on Chuckatuck creek, opposite the home of said R. H. Atkerson: provided, said wharf shall not obstruct navigation on said creek.

2. This act shall be in force from its passage.

CHAP. 404.—An ACT authorizing the district school boards of Luray and Springfield districts, in the county of Page, to use a portion of the district school fund for the purpose of paying teachers.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the district school boards of Luray and Springfield districts, in the county of Page,

to use not exceeding one-third of the school funds belonging to said districts for the purpose of paying teachers in said districts.

2. This act shall be in force from its passage.

CHAP. 405.—An ACT to amend an act entitled an act to incorporate the Norfolk and Ocean View railroad and hotel company.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section five of an act entitled an act to incorporate the Norfolk and Ocean View railroad and hotel company, approved February twenty-seventh, eighteen hundred and seventy-nine, be amended and re-enacted so as to read as follows:

§ 5. It shall be lawful for the Ocean View hotel company and for the Ocean View company to merge or consolidate their stock with that of the said Norfolk and Ocean View railroad and hotel company, as provided in the preceding section, or in such other way to subscribe or aid toward the construction of said road, as may be agreed upon by the stockholders of the said Ocean View hotel company and of the said Ocean View company.

2. This act shall be in force from its passage.

CHAP. 406.—An ACT to amend and re-enact section 3 of an act passed February 18, 1888, entitled an act to amend the following acts: An act to incorporate the town of Rocky Mount, approved February 17, 1873; an act to amend the act of February 17, 1873, approved April 28, 1874, and an act amending and re-enacting section 2 of the act approved April 28, 1874, approved March 4, 1884.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That section three of an act passed February eighteenth, eighteen hundred and eighty-eight, entitled "an act to amend the following acts: 'an act to incorporate the town of Rocky Mount, approved February seventeenth, eighteen hundred and seventy-three; an act to amend the act of February seventeenth, eighteen hundred and seventy-three, approved April twenty-eighth, eighteen hundred and seventy-four, and an act amending and re-enacting section two of the act approved April twenty-eighth, eighteen hundred and seventy-four, approved March fourth, eighteen

hundred and eighty-four," be amended and re-enacted so as to read as follows:

§ 3. The administration and government of said town shall be vested in one principal officer, to be styled the mayor, who, with six other trustees, shall constitute the council of said town, all of whom shall be selected from among the electors of the town and elected by the qualified voters residing within its corporate limits on the fourth Thursday in May, eighteen hundred and ninety-two, and every two years thereafter, holding their offices for the term of two years, commencing on the first day of July next after their election, and afterwards until their successors shall qualify. In the said council, so composed as aforesaid, there shall be vested the corporate powers of said town, and it shall be known as the council of the town of Rocky Mount. The mayor, with any four of the other trustees, shall constitute a quorum of the council to do business.

2. This act shall be in force from its passage.

CHAP. 407.—AN ACT to provide for the appointment of a road commissioner in each magisterial district of Hanover county, and to define his duties and powers.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the judge of the county court of Hanover county, upon the recommendation of the board of supervisors of his county, shall, at the May term of his court in the year eighteen hundred and ninety-two, and every two years thereafter, appoint for each magisterial district in said county one commissioner of roads, who shall, on taking before the clerk of the court the usual oath of office required of other county or district officers, enter upon the duties of his office on the first day of July following his appointment, and continue in office for a term of two years, or until his successor is appointed and qualified: provided that such judge may, if he think proper, reject the recommendations made in either or all of the districts in said county, and unless the board of supervisors recommend other persons suitable, in his opinion, for said office within thirty days after their first recommendation has been rejected, he shall fill the said office by his own appointment, in term time or in vacation. No recommendation, however, made by the board of supervisors shall be rejected by the judge except for reasons entered of record.

2. Said road commissioner shall have a general supervision and control of the county roads and bridges in his

respective magisterial district, and see to the enforcement of the road laws in force therein. It shall also be his duty to personally inspect all the county roads and bridges in his district at least once a year, or oftener, as he may be required by the board of supervisors, and to direct, as far as practicable, the road surveyors or overseers therein in the repairing or mending the county roads, and to make to the board of supervisors of the county from time to time such recommendations as to how the roads or bridges in his district should be repaired or kept in order as he may deem advisable; and he shall also make full report to the board of supervisors of the county at their November meeting in each year, or at such other meeting as the board may designate, of the condition of the roads and bridges in his respective district, and if, in his judgment, the roads in his district, or any part or parts thereof from any cause should be let to contract, he shall so report to the said board; and if, in his opinion, any road surveyor or overseer in his district is incompetent or negligent in the discharge of his duties, said commissioner shall report this fact also.

3. It shall furthermore be the duty of the road commissioner in the several districts in said county, in their respective annual reports required by the preceding section, to make such recommendations as he may deem advisable as to the discontinuance, alteration, or opening of any road in his district, and no road in his district shall be discontinued, altered, or established, until said commissioner has been examined by the court touching the same.

4. It shall be the duty of the road commissioner of each magisterial district in said county to attend at the November meeting of the board of supervisors of the county, or at such other annual meeting as the board may designate for the purpose of auditing the payment of the accounts and claims of road surveyors or overseers and other persons, for teams and material furnished on the roads; and no account or claim of any road surveyor or overseer, or of any person for material or teams furnished shall be ordered paid by the board unless the road commissioner of the district from which the claim is made, by endorsement thereon, certify that he has, within sixty days next preceding the date of his endorsement, personally inspected the roads in such road surveyor or overseer's precinct, and that to the best of his (said road commissioner) judgment and belief, the service claimed to have been rendered, or the teams or material claimed to have been furnished, in such account or claim, was rendered or furnished. Suitable blanks for making out the accounts or claims of road surveyors or overseers, or for materials or teams furnished, with the necessary certifi-

cate of the road commissioner on the back thereof, shall be provided by the said board of supervisors.

5. The road commissioner in each of the magisterial districts of said county, shall do and perform such other duties, consistent with the provisions of this act, as may be required of him by the board of supervisors, and shall receive for each day's service rendered in the discharge of his duties hereunder, or while attending before the board of supervisors of his county, as herein required, the sum of two dollars and fifty cents, to be paid out of the county levy: provided that he shall not receive compensation for more than forty days' service in any one year.

6. If any road commissioner in said county falsely certify to the correctness of the claim or account of any road surveyor or overseer, or other person, in the endorsement required of him hereunder, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before a justice of the peace or the county court of said county, be fined not less than twenty dollars, nor more than one hundred dollars, and be forthwith removed from his office by the judge of said courts, and the office so vacated, shall be filled by appointment of said judge for the unexpired term thereof.

7. This act shall be in force from its passage.

CHAP. 408.—An ACT for the protection of hares and opossums in the county of Halifax, Virginia.

Approved February 25, 1835.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to kill or capture, or offer for sale or buy any hare, or rabbit, or opossum within the county of Halifax between the first day of February and the fifteenth day of October.

2. If any person violate the preceding section he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice or the county judge of said county, be fined not less than five nor more than ten dollars for each offence, and imprisoned in jail till said fine is paid, but not exceeding thirty days. In each case one-half of the fine shall be to the informer. In any prosecution of a person for a violation of the preceding section, proof of the possession by such person of any such hare, or rabbit, or opossum, as the case may be, shall be prima facie evidence of his guilt.

3. This act shall be in force from its passage.

CHAP. 409.—An ACT to amend and re-enact sections 15, 23, 87, and 94, and subdivisions 5 and 6 of section 19 of the charter of the city of Richmond.

Approved February 26, 1892.

1. Be it enacted by the general assembly of Virginia, That sections fifteen, twenty-three, eighty-seven, and ninety-four, and subdivisions five and six of section nineteen of the charter of the city of Richmond be amended and re-enacted so as to read as follows:

§ 15. When any vacancy shall occur in either branch by death, resignation, removal from the ward, failure to qualify, or from any other cause, the branch in which such vacancy occurs shall elect a qualified person to supply the vacancy for the unexpired term.

§ 23. In every case where a street or alley in said city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown, the occupant or occupants of the premises so encroaching, to remove the same. If such removal shall not be made within the time ordered by the council, they may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner all reasonable charges therefor, with costs, by the same processes that they are hereinafter empowered to collect taxes: provided, however, that in any case where a street or alley, as originally laid out or established, has been encroached upon by any building for a period of twenty years, the part of the street so encroached upon and actually occupied by said building shall not be reclaimed or taken possession of by said city for the public as a street or alley until said building shall be rebuilt, or destroyed, or removed, or until the front of the building shall be removed or rebuilt. Hereafter the said city shall have the right to sue in ejectment to recover possession of land claimed by her as a public highway.

§ 87. In time of emergency said commissioners, or a majority of them, or any one of them, if the others should be absent from the city, or unable to act, may appoint temporarily without authority from the city council, a suitable number of additional policemen for such time as shall appear necessary; not, however, to extend beyond the time of the next meeting of the city council. The mayor may confer police powers upon the clerks of the markets and their deputies, keepers of parks and cemeteries, watchmen or custodians, of the city reservoirs, and janitor or superintendent of the city hall, and such other officers or employees of the city as shall have custody of any other piece or part of the city's property, so as to au-

thorize them to prevent any violation of any law or city ordinance within or upon such pieces or parts of the city property as may be under their charge or custody, and to prevent any injury or damage from being done to such pieces or parts of the city property; and the bailiff of the police court shall have police powers when acting under the orders of the police justice of the city.

§ 94. For the purpose of guarding against the calamities of fire, the city council may, from time to time, designate such portions or parts of the said city as it shall think proper within which no buildings of wood, or of wood covered with metal, shall be erected, and may regulate the manner of construction of all buildings. They may prohibit the erection of wooden buildings in any portion of the city without permission obtained from them, and shall, on petition of the owner or owners of not less than one-fourth of the ground included in any square of the city, prohibit the erection in such square of any building, or addition to any building, unless the outer walls thereof be made of brick and mortar, or stone and mortar, or some other fire-proof material; and may provide for the removal of any such building or addition which shall be erected contrary to such prohibition at the expense of the builder or owner thereof. And if any building shall have been commenced before said petitions can be acted on by the council, or if any building in progress appears clearly to be unsafe, the council may have such buildings taken down or satisfactory alterations made. The city shall have power to pass such ordinances as it may deem necessary to ensure the safety and proper construction and sanitary condition of all buildings or houses heretofore or hereafter erected. And also have power to regulate and enforce the terms upon which division fences between adjoining lots may be erected.

§ 19. Fifth.—To establish or enlarge water-works and gas-works and electric plants within or without the limits of the said city; contract and agree with the owners of any land for the use or purchase thereof, or may have the same condemned for the location, extension or enlargement of their said works, the pipes, poles or wires connected therewith, or any of the fixtures or appurtenances thereof. They shall have power to protect from injury, by adequate penalties, the said works, pipes, poles, wires and fixtures and land, or anything connected therewith, within or without the limits of said city, and to prevent the pollution of water in James river, or any branch or stream flowing into the same, by prohibiting the throwing of filth, offensive or deleterious matter or liquid therein above the said works, within fifteen miles above said works. There shall be no lease nor sale of the city gas or water-works, unless the proposition shall first be submit-

ted to the voters of the city of Richmond, at some regular city-election, and receive in favor thereof a majority of all votes cast at such election.

Sixth. To establish, construct and keep in order, alter or remove landings, wharves and docks on lands belonging to the city; and to lay and collect a reasonable duty on vessels coming to and using the same, and to regulate the manner of using other wharves and landings within the corporate limits; to prevent or remove all obstructions in and upon any landings, wharves or docks. They may also appoint port wardens for the port of said city, who shall exercise such powers as the council may give them, up to the port-wardens' lines, as they may be established from time to time by the United States government, and fix their fees and compensation. The said city shall have power to improve and keep in good, safe and navigable condition the harbor of James river within the corporate limits. The city council of said city shall have all the powers set forth in sections two thousand and eleven, two thousand and thirteen and two thousand and fourteen of the code of Virginia, eighteen hundred and eighty-seven, which powers it may delegate to some proper committee of persons satisfactory to said council.

2. This act shall be in force from its passage.

CHAP. 410.—An ACT empowering the board of supervisors of Accomac county to increase the salary of the judge of the county court of said county.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Accomac county be, and they are hereby, authorized and empowered to increase the salary of the judge of the county court of said county, so that the salary of said judge shall not be more than eight hundred dollars per annum.

2. This act shall be in force from its passage.

CHAP. 411.—An ACT to amend and re-enact an act to incorporate the Washington, Cincinnati and Saint Louis railroad company, approved March 15, 1877, and by an act approved February, 12, 1886.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the tenth section of an act entitled an act to incor-

porate the Washington, Cincinnati and Saint Louis railroad company, approved March fifteenth, eighteen hundred and seventy-two, as the same was amended by an act approved March thirteenth, eighteen hundred and seventy-seven, and by an act approved February twelfth, eighteen hundred and eighty-six, be re-enacted so as to read as follows:

§ 10. The work on the road herein authorized to be constructed, and which has already been constructed in part, shall be resumed within one year after the passage of this act and completed within seven years; but this extension is granted only upon condition that work shall be commenced at some point on the Norfolk and Western railroad within one year after the passage of this act and completed to Bridgewater, in the county of Rockingham, by way of Harrisonburg, within four years; and a failure to complete said road to Bridgewater within the said four years shall operate as a forfeiture of this charter: provided further, that this extension and further privilege is granted upon the express condition that the said Washington, Cincinnati and Saint Louis railroad company shall not have the privilege of occupying North River gap to the exclusion of any other company desiring to construct and operate a railroad through the same, but shall allow such other company to use their tracks or make such changes of the same as may be mutually agreed upon, and in the event of a failure to agree, upon such terms and conditions as the board of public works may decide.

2. This act shall be in force from its passage.

CHAP. 412.—An ACT to provide for the time of holding the terms of the second judicial circuit.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the circuit courts of the second judicial circuit shall hereafter be held at the times hereinafter specified—to-wit:

Brunswick, January tenth, April tenth, October tenth.
Greensville, January twentieth, April twentieth, October twentieth.

Petersburg, February fifth, June fifth, December fifth.

Chesterfield, February fifteenth, May fifteenth, November fifteenth.

Dinwiddie, March twenty-first, September twenty-first.

Nottoway, March twenty-eighth, September twenty-eighth.

Sussex, April thirtieth, October thirtieth.

Prince George, May seventh, November seventh.
Surry, May thirtieth, November thirtieth.
2. This act shall be in force from its passage.

CHAP. 413.—An ACT to incorporate the Botetourt normal college at Daleville, in the county of Botetourt.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That I. N. H. Beahen, D. N. Eller, J. C. Beahen, F. M. Stutsman, and C. E. Arnold, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby, constituted a body corporate by the name and style of the trustees of Botetourt normal college, for the purpose of conducting a high seminary of learning in the county of Botetourt, this state, to be known as Botetourt normal college, and shall have perpetual succession and a common seal, sue and be sued, plead and be impleaded; the corporation at no time to consist of less than five nor more than fifteen persons.

2. The said corporation shall have power to acquire by purchase, gift, devise, or bequest property, real and personal, and may hold, manage, control, sell, convey, or dispose of said property solely for the benefit of Botetourt normal college: provided the value thereof shall not exceed at any time one hundred thousand dollars: and provided further, that a majority of all the trustees shall vote affirmatively on any proposition for the mortgage or sale of said property.

3. The said corporation shall have power to make and adopt, alter or amend by-laws, rules, and regulations not contrary to the laws of this commonwealth for the admission and expulsion of members, and for the government of the said Botetourt normal college; may appoint professors and other officers, and prescribe their duties and their remuneration, and confer literary degrees and honors.

4. This act shall be in force from its passage.

CHAP. 414.—An ACT to amend the road law of Floyd county.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That the road law of Floyd county be amended so as to contain the following provisions in addition to the law now in force in said county:

2. It shall be the duty of each supervisor to keep himself informed as to the condition of the public roads and bridges in his magisterial district, the manner in which they are worked and kept in repair, and whether or not the surveyors of their several precincts have fully performed their duty; and for that purpose each supervisor shall inspect all the roads and bridges in his magisterial district at least once in every six months, and make a report in writing thereon to the county court of said county once in every six months at such term thereof as the court may prescribe, and the time for making such reports may be changed in the discretion of the court. Said report shall state the condition of each road precinct in the supervisor's district, designating each precinct by its number and giving the name of the surveyor.

3. For the inspection and report required by the preceding section, each supervisor, in addition to what is allowed him by law for other services, shall receive two dollars per day for the time during which he is actually so employed, not exceeding, however, the sum of thirty dollars for any one year, to be paid out of the county levy.

4. If a supervisor of any district be unable to complete such inspection and report, the same shall be made or completed by some other supervisor of said county, who shall receive the compensation which would otherwise have been received by the supervisor of such district, or a fair proportion thereof.

5. The county court may, in its discretion, at the March term of said court, or at the next term after appointment, require the surveyor of each road precinct to enter into a bond, with approved security, in a penalty of not more than fifty dollars, conditioned for the faithful performance of his duties as surveyor.

6. Every surveyor of a road shall be entitled to compensation, at the discretion of the court, to be by it certified to the board of supervisors and paid out of the county levy, not exceeding one dollar and fifty cents per day for time actually employed in summoning the hands to work on the road, and not to exceed one dollar and fifty cents per day for time actually employed in working the same, which time shall be stated in writing and sworn to by the surveyor, and the time actually employed in working shall also be sworn to by one of the hands of said surveyor's road. If it appear from the report of the supervisor, as required by the first section of this act, that the road of any surveyor is not in the condition required by section one thousand and seven of the code, the court may refuse to pay such surveyor until the road is put in the condition required by said section. A surveyor of a road who fails to perform any duty required of him by this act or by chapter forty-three of the code, shall for such

failure be fined not less than five nor more than thirty dollars, which is intended to be covered by the official bond of said surveyor, if one be required; and the report of the supervisor, as required by the first section of this act, shall be sufficient evidence on which to begin such prosecution. Section one thousand and twelve of the code is hereby repealed as to Floyd county, in case this act is put in force as hereinafter provided.

7. So much of chapter forty-three of the code of Virginia as is in conflict with this act is hereby repealed, so far as it applies to Floyd county, but in every other respect the general road law of the state, as set forth in said chapter, shall continue in force in said county of Floyd.

8. The provisions of this act shall not be in force in the said county of Floyd except and until the same is adopted by the board of supervisors of said county; and the said board of supervisors are hereby authorized and empowered to adopt, by a two-thirds vote of that body at any regular meeting of the board, the provisions of this act as a part and addition to the road law of said county.

9. This act shall be in force from its passage.

CHAP. 415.—An ACT to incorporate the Richmond, Chesterfield and Petersburg street railway company.

Approved February 25, 1892.

1. Be it enacted by the general assembly of Virginia, That J. M. Harris, Freeman Epes, E. A. Catlin, R. B. Davis, P. E. Harris, George S. McElroy, R. B. Taylor, A. L. Adamson, John B. Purcell and C. A. Epes, or such of them as may accept the provisions of this act, their associates, successors and assigns, be, and the same are hereby, incorporated a body politic and corporate, under the name and style of the Richmond, Chesterfield and Petersburg street railway company, and as such are empowered to locate, construct, equip and operate a railway, employing steam, electricity, or other motive power, commencing at or near the city of Richmond or Manchester, and traversing the streets of said cities or either of them (provided the consent of the councils of the said cities shall be obtained); thence through the counties of Chesterfield and Dinwiddie, or portions thereof, to, near or through the city of Petersburg.

2. The said company shall have the right to acquire lands along the route of said railway by donation, purchase, or in any other legal manner, not to exceed two thousand acres, to use, sell, or hold the same.

3. The company may acquire by condemnation, according to the laws of Virginia, the lands required for the necessary stations, depots, and power plants for its operations, not to exceed two acres at any one point, and the right of way of eighty feet in width for its railway: provided, that between Whitby and Warwick said company shall not build its roadway nearer than a half-mile of James river, and parallel therewith without consent of the land-owners between these points. Said company shall have the right to build bridges over the James river, Appomattox river, and intermediate streams which may be necessary for its railway, and may acquire, by condemnation or purchase, the lands necessary therefor, or to contract with corporations or managers of bridges spanning said streams for the use of such bridges; and with the consent of the city council of Richmond or Manchester or Petersburg may use such streets as may be agreed upon by said respective councils. The said company may, with the consent of the board of supervisors of Chesterfield county, have the right to use as a road-bed for said railway a portion of such public road or roads as may be deemed advisable and may be agreed on by the directors of said company.

4. The said company shall have perpetual succession and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter or renew the same at pleasure, and shall have, possess and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act.

5. The capital stock of said company shall not be less than five thousand dollars, and may, from time to time, be increased to an amount not exceeding one million of dollars by issue and sale of shares, preferred or common stock, or both, upon such terms and conditions and under such regulations as the board of directors shall prescribe, the par value of which shall be one hundred dollars; and the directors may receive cash, labor, materials, bonds, stock, real or personal property in payment of subscriptions to the capital stock, at such valuation as may be agreed upon between the directors and subscribers, and may make such subscriptions payable in such manner, and amounts at such times as may be agreed upon with the subscribers; and whenever fifty shares shall have been subscribed and the sum of five thousand dollars paid in cash, the subscribers, under the direction of any five of the incorporators hereinbefore named, who shall be subscribers, may organize said company by electing a president and a board of directors, and providing for the selection of such other officers as may be necessary for the

control and management of the business and affairs of the company, and shall have and exercise all the powers and functions of a corporation under their charter and the laws of the state.

6. It shall be lawful for said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal, or mixed, its contracts and privileges, including its franchise to be a corporation, and it may, as the business of the company shall require, sell, lease, convey, and encumber the same.

7. It shall be lawful for said company to subscribe and to hold shares in the capital stock of any other railway corporation whose lines may connect therewith, and for any other such corporation to subscribe, guarantee, or hold the stock or bonds of said company.

8. The company is authorized and empowered to locate, construct, equip, and operate any lateral or branch roads or tramways, not exceeding twenty miles in extent, which a majority of its stockholders may determine upon, and by such route or routes as may be selected by its board of directors, and said company may connect or unite its road with that of any other company or companies, or consolidate or merge its stock, property, and franchises with and into any other company or companies operating or authorized to operate a connecting railway or railways, upon such terms and under such name as may be agreed upon between the companies so uniting, or connecting, merging, or consolidating, and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger, or consolidation, or any lease or sale: provided that a copy of every such contract of consolidation and merger be filed in the office of the board of public works.

9. The said company shall be required to commence the construction of its railway within two years from July first, eighteen hundred and ninety-two, and complete said road to the city of Petersburg within five years from the passage of this act.

10 The principal office of said company shall be located in Richmond, Manchester, or Petersburg, as may hereafter be determined upon by the stockholders in general meeting assembled.

11. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name, and the president and board of directors of said company may enact such by-laws,

rules and regulations for the management of the affairs of said company as they may deem proper and expedient.

12. The board of directors shall be stockholders of said company, and shall consist of such number, not less than five, as the stockholders may determine upon, and shall be elected at the stockholders' annual meeting, to be held on such days as may be named in the by-laws of the company, and shall continue in force for the term of one year from and after the date of their election, and until their successors shall have been elected and accepted the duties of their office, and they shall elect one of their number president; and in case of the death, resignation, or incapacity of any member of the board of directors during his term of office, the said board shall elect his successor for the unexpired term.

13. No stockholder of said company shall be held liable or made responsible for the debts or liabilities of said company in a sum beyond any balance due from said stockholder to said company on a stock subscribed for by said stockholder.

14. Whenever the corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be imposed by the law upon other corporations or persons exercising like privileges, and all taxes due the commonwealth by said company, shall be paid in lawful money of the United States, and not in coupons.

15. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves to itself the right to alter or repeal this act at any time hereafter.

CHAP. 416. —An ACT to provide a new charter for the town of Graham, in the county of Tazewell.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the act approved January twenty-eight, eighteen hundred and eighty-four, entitled an act to incorporate the town of Graham, in the county of Tazewell, be amended to read as follows:

2. The said town shall be extended so as to embrace the following described boundary: Beginning on the top of Stony Ridge at the northwest corner of J. B. Greever's land (said point is also the northeast corner of the land belonging to the estate of J. A. Franklin, deceased); thence in a southerly direction, crossing Wright's valley with the west line of the said J. B. Greever's land to the southwest corner of the same; thence in an easterly direction

with the south line of the said J. B. Greever's land to the southwest corner of the lands of the West Graham land and improvement company; thence in an easterly direction with the south line of the West Graham land and improvement company to the southwest corner of the land of Harriet Tabor and James F. Dudley; thence in an easterly direction with the south line of the said Harriet Tabor and James F. Dudley's land to the north line of the land of Martha Neel, and with the same in an easterly direction to the northwest corner of W. M. Sanders' land; thence in a general easterly direction with the several north lines of the said W. M. Sanders' land to the state line dividing the states of Virginia and West Virginia; thence in a northwesterly direction with said state line to the northwest corner of the land of the Graham Linkland improvement company; thence in a westerly direction with the north lines of the said Graham Linkland improvement company to the northeast corner of the lands of the Graham land improvement company; thence in a general westerly direction with the north lines of the said Graham land and improvement company's land to the northeast corner of the lands of the West Graham land and improvement company; thence in a westerly direction with the top of Stony Ridge and with the several north lines of the West Graham land and improvement company and the north lines of the said J. B. Greever's lands to the beginning.

3. The administration and government of said town shall be vested in one principal officer, to be styled the mayor; one board, to be called the council of the town of Graham, and in such other boards and officers as are hereinafter mentioned or may be provided by the council.

4. The municipal officers of said town shall consist of a mayor, a treasurer, eight councilmen, a clerk of the council, a sergeant, a commissioner of the revenue, and one justice of the peace.

5. An election of the municipal officers mentioned in the third section of this act, except the clerk of the council and commissioner of the revenue, shall be held on the first Monday in June, eighteen hundred and ninety-two, and on the first Monday in June in every second year thereafter. The clerk of the council and commissioner of the revenue shall be appointed by the council, and shall hold office during the term of office of said council and until their successors are duly appointed and qualified. Said election shall be conducted under the provisions of the general election laws of the state. When two or more councilmen are to be elected, the several persons of the number required having the highest number of votes shall be declared elected.

6. The mayor and all other municipal officers of said town, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the state by any one authorized to administer oaths under the laws of the state. If any person elected or appointed to any office in said town shall neglect to take such oath before the day on which he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office fail to give such securities as may be required of him by the town council, he shall be considered as having declined said office, and the same shall be declared vacant, and such vacancy shall be filled as prescribed in section two of chapter four of this act.

CHAPTER II.

1. Mayor.—The mayor shall be elected by the qualified voters of the town of Graham for the term of two years. His salary shall be fixed by the council of said town, and he shall receive no other compensation or emolument whatever, and his salary shall not be diminished during his term of office.

2. He shall, by virtue of his office, preside over the meetings of the council, voting only in case of a tie, and possess all the jurisdiction and exercise all the power and authority in criminal cases of a justice of the peace of said town, in addition to the powers given him by virtue of this act; but he shall receive no fees for his service as such justice of the peace.

3. It shall be his duty to communicate to the town council annually, at the beginning of each fiscal year, or oftener if he shall be required by said council, a general statement of the condition of the town in relation to its government, finances, and improvements, with such recommendations as he may deem proper.

4. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine said officers and their subordinates under oath. He shall have power to suspend or remove such officers for misconduct in office or neglect of duty; but no such removal shall be made without reasonable notice to the officer complained of and an opportunity be afforded him to be heard in his defence. On the removal or suspension of such officer, the mayor shall report the same to the town council at their next stated meeting for their consideration; but in no case shall it be final until ratified by three-fourths of the whole council.

5. In case of the absence or inability of the mayor the president pro tempore of the council, to be chosen by a

majority of the council present at a legal meeting, or in his absence or inability some other member, chosen in the same manner, shall possess the same power and discharge the municipal duties of the mayor during such absence or inability.

6. In case a vacancy shall occur in the office of mayor the same shall be filled in the manner hereinafter provided in section two of chapter four of this act.

7. The mayor or any three members of the council may call a meeting of the council.

CHAPTER III.

1. Town council.—The council of the town shall be composed of eight members. They shall be elected by the popular vote of the qualified voters of the town.

2. The town council shall, by ordinance, fix the time of their stated meetings, and no business shall be transacted at a special meeting but that for which it shall be called.

3. The town council shall have authority to appoint policemen, and to adopt such rules and appoint such officers and committees as they may deem proper for the regulation of their proceedings and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by a vote of three-fourths of the whole council to expel a member for malfeasance of or misfeasance in office. They shall keep a minute book, in which their clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed. The meetings of the council shall be open to the public, except when the public welfare shall require secrecy.

4. A majority of the members of the council, or four of them and the mayor, shall constitute a quorum for the transaction of business; but no ordinance shall be passed or resolution adopted having for its object the appropriation of money, except by the concurrence of at least five members. No vote or question decided at a stated meeting shall be reconsidered at a special meeting, unless there be at least six members present, and five of them concur.

5. The town council shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to said town, and may make such ordinances and by-laws relating to the same as they shall deem proper; and they shall likewise have power to make such ordinances, orders, by-laws, and regulations as they may deem proper and necessary to carry out the following powers which are hereby vested in them:

First. To establish a market or markets in and for said town, and appoint proper officers therefor; prescribe the time and places for holding the same; provide suitable buildings and grounds therefor, and enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrating.

Second. To erect and keep in order all public buildings necessary and proper for said town; to erect within the town a town prison, and said prison shall contain such apartments as shall be necessary for the safe-keeping of all persons confined therein, and to establish a chain-gang and require offenders to work therein.

Third. To establish water-works and gas-works within or without the limits of the town; to contract and agree with the owners of any land for the use and purchase thereof, or have the same condemned according to law, for the location, extension, or enlargement of their said works, the pipes connected therewith, or any of the fixtures or appurtenance thereof; and shall have the power to protect from injury by ordinance, prescribing adequate penalties, the said works, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of said town.

Fourth. To open, close, improve, widen, or narrow streets, avenues, or alleys, and have them kept in good order and properly lighted; and over any street or alley in the town which has been or may be ceded or conveyed to the town by proper deed, they shall have like power and authority as over other streets and alleys. They may prevent the building of any structure, obstruction, or encroachment over, under, or in any street, sidewalk, or alley in said town; and may permit shade trees to be planted along said streets; but no company or individual shall occupy with its or his works, or any appurtenances thereof the streets, sidewalks, or alleys of the said town without the consent of the council duly entered upon its record book.

Fifth. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the town in any manner whatever.

Sixth. To determine and designate the route and grade of any railroad to be laid out in said town, and to restrain and regulate the rate of speed of locomotive engines and cars upon the railroads within the said town.

Seventh. To make provisions for and regulate the weighing of hay, fodder, oats, shucks, or other long forage. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter,

Eighth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect,

and regulate hospitals; to provide for and enforce the removal of patients to said hospital; to appoint and organize a board of health for said town, with the authority necessary for the prompt and efficient performance of its duties.

Ninth. To require and compel the abatement and removal of all nuisances within said town at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to prevent and regulate slaughter-houses, soap and candle factories within said town, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment therein, and to regulate the transportation of coal and other articles through the streets of said town.

Tenth. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof, shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such substance to be covered, or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the town authorities or their agents, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected: provided that reasonable notice shall be first given to said owners or their agents. In case of non-resident owners, who have no agents in said town, such notice shall be given by publication for not less than two weeks in any newspaper published in said town.

Eleventh. To direct the location of all buildings for the storage of gunpowder and other combustible substances, and to regulate the sale and use of gunpowder, fire-crackers, or fire-works manufactured therefrom, kerosene oil, nitro-glycerine, camphene, burning-fluid, or other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of lights or candles in barns and stables and other buildings, and to restrict the making of bonfires in streets and yards.

Twelfth. To prevent hogs, dogs, and other animals from running at large in said town, and may subject the same to such confiscation, regulations, and taxes as they may deem proper.

Thirteenth. To prevent the riding or driving of horses or other animals at an improper speed, throwing stones, or engaging in any employment or sport on the streets, sidewalks, or public alleys dangerous or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses or other animals in said town.

Fourteenth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gambling-houses; to prevent and punish lewd or indecent conduct or exhibitions in said town, and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year; and for any violation of such ordinances may impose fines in addition to those prescribed by the laws of the state.

Fifteenth. To prevent the coming into town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town.

6. Any member of said council being voluntarily absent from its meetings consecutively for three months, the seat shall be deemed vacant and the unexpired term filled according to law.

7. The town council is empowered to acquire lands to be used as a place for the burial of the dead. The said council shall also have power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the state, for the use, protection and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, a portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease, and to prescribe what class or condition of persons shall be admitted to interment in the cemetery. The money from such sale or lease of burial lots shall be invested, used and employed for the use, protection, preservation and ornamentation of said cemetery. The cemetery, when established and enclosed, shall be exempt from all state, county and municipal taxation.

8. The police force shall be under the control of the mayor for the purpose of enforcing peace and order and executing the laws of the state and ordinances of the town. They shall also perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties and powers, each policeman is hereby made a conservator of the peace and endowed with all the powers of a constable in criminal cases, and all other powers, which under the laws of the state, may be necessary to enable him to discharge the duties of his office. Their pay, uniforms, rules and regulations for said police shall be prescribed by the council.

9. Where, by the provisions of this act, the council have authority to pass ordinances on any subject, they may prescribe any penalty not exceeding five hundred dollars for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be

imprisoned in the prison of the town, or in the jail of Tazewell county until the said town have a jail of its own, for a term not exceeding ninety days, which penalties may be prosecuted and recovered with costs in the name of the town of Graham, or shall compel them to work on the streets or other public improvements of the said town.

10. The town council shall not take or use any private property for streets or other public purposes without making to the owner thereof just compensation for the same; but in cases where the council cannot by agreement obtain title to the ground for such purposes, it shall be lawful for said council to apply to and obtain from the circuit or county court of Tazewell county authority to condemn the same, which shall be applied for and proceeded with according to law.

11. In every case where a street in said town has been or shall be encroached upon by any fence, building, or otherwise, the council may require the owner (if known, or if unknown, the occupant of the premises encroaching) to remove the same, and if such removal be not made within the time prescribed by the council, they may impose a penalty of five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same process that they are hereinafter empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the person claiming thereunder as against the said town.

12. Whenever any street, alley, or lane in said town, shall have been opened and used as such by the public for the period of five years, the same shall thereby become a street, alley, or lane for public purposes, and the council shall have the same authority and jurisdiction over and right and interest therein as they have by law over the streets, alleys and lanes laid out by them; and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said town, by a plan or plat of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designed for private use.

13. Whenever any new street shall be laid out, a street graded or paved, a culvert built, or any public improvements whatsoever made, the council shall determine what portion, if any, of the expense thereof shall be paid out of the town treasury, and what portion by the owners of real estate benefited thereby; but no such public improvement shall be made, the costs of which to be defrayed in whole or in part by a local assessment, until first re-

quested by a petition signed by at least a majority of the owners of the property to be assessed for such improvements, or unless the entire council shall concur in voting such improvements to be expedient, or in determining to make the same after allegations have been heard, in which case no petition or request shall be necessary. The council shall have the same power to collect such local assessments for improvements as are hereinafter invested in them for the collection of taxes.

14. The town council shall grant and pay to all town officers elected or appointed in pursuance of this act such salaries or compensation as the said council may from time to time deem just and proper, or shall be fixed by this act.

15. If any person, having been an officer of said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the council may allow, deliver over to his successor in office all property, books and papers belonging to the town or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars, to be sued for and recovered, with cost and all books, records and documents used in any office by virtue of any provision of this act, or of any ordinances or order of the town council, or any superior officer of said town, shall be deemed the property of said town and appertaining to said office, and the chief officer thereof shall be held responsible therefor.

16. No license shall be granted to any person or persons, club or corporation to sell ardent spirits, malt liquors or any mixture thereof, or bitters containing alcohol, either by wholesale, retail, or to be drunk at the place where sold, or any other way within the corporate limits of said town during the existence of any local-option law prohibiting the manufacture and sale of wine, ardent spirits or malt liquors in Clear Fork district, Tazewell county; and in the absence of any such law, no license shall be granted to any person or persons, club or corporation to sell ardent spirits, wine, malt liquors, or any mixture thereof, or bitters containing alcohol, either by wholesale or retail, or to be drunk at the place where sold, unless the applicant shall first produce to the court or officers authorized to grant such license the written consent of three-fourths or more of the members of the town council of the said town, consenting that such license be granted the applicant, and the said applicant shall also produce to the court or officers authorized to grant such license a recommendation signed by three-fourths or more of the members of the town council of said town, recommending to the court or officers authorized to grant such license that

the party is a corporation chartered under the laws of Virginia, or if the applicant is not such a corporation, that the person so applying is sober, discreet and of good moral character, and in all cases where such license is applied for, whether the applicant be a person or persons, club or corporation, that the place proposed to be kept for the transaction of business under such license is suitable and convenient, and that if the applicant desires a retail license, that he has paid into the treasury of the said town the sum of three hundred dollars; or if the said applicant desires a bar-room license, that he has paid into the treasury of the said town the sum of three hundred dollars; or if the said applicant desires a retail and a bar-room license, that he has paid into the treasury of the said town the sum of four hundred and fifty dollars; or if the said applicant desires a wholesale license, that he has paid into the treasury of the said town the sum of one hundred and fifty dollars; or that if the said applicant desires a wholesale license for the sale of malt liquors only, that he has paid into the treasury of the said town the sum of fifty dollars: provided, however, that the applicant shall show the court or officers authorized to grant such license that he has paid into the treasury of Tazewell county the tax required by existing laws to be paid to the state for the exercise of the privilege applied for; and it is further provided, that in no case shall it be lawful to grant a license to any person or persons, club, or corporation to sell wine, ardent spirits, malt liquors, or any mixture thereof, or bitters containing alcohol, either by wholesale or retail, or to be drunk at the place where sold, at any point outside of the said town within one mile of its corporate limits. No liquor license shall be granted in said town until the applicant shall execute bonds in the said court, with good security, in the penalty of two thousand dollars, conditioned according to law. Any person who shall, without first procuring a license as aforesaid, sell wine, ardent spirits, malt liquors, or any mixture thereof, or alcoholic bitters, either by wholesale, retail, or to be drunk at the place where sold, or in any way within the corporate limits of the said town, or at any point outside of said corporation within one mile of same, shall be punished by a fine of twenty dollars for each offence, and if the fine and costs of prosecution be not at once paid, the accused shall be forthwith committed to the prison of said town, and made to work in the chain-gang of said town until the fine and costs be paid, or he be discharged by due process of law. The mayor or justice of the peace of said town shall have jurisdiction to try any person charged with a violation of any of the provisions of this section, and impose the penalty prescribed. All fines imposed under this section shall be for the bene-

fit of the said town, and shall be paid into the treasury thereof. Any person found guilty of violating any provision of this section shall be required by the officer trying the case to give bond, with good security, in a reasonable sum, to be fixed by said officer, to be of good behavior during the twelve months next succeeding, and if such person fails to give such bond, he shall at once be committed to the prison of said town until he does give it or is discharged by due process of law: provided further, that this section shall not be construed so as to prohibit the sale of wine, ardent spirits, malt liquors, or any mixture thereof, or alcoholic bitters by druggists under the existing laws of the state.

CHAPTER IV.

1. Town officers.—The sergeant of the town shall have and exercise the powers of a constable, and the mayor, justice of the peace, sergeant and policeman, in criminal and police matters, shall have jurisdiction for one mile from the corporate limits of said town.

2. The council may appoint in addition to those herein provided for, such officers and clerks as they may deem proper and necessary, and define their powers and describe their duties, and fix their compensation, and may take from any officer, whether appointed by them or elected, a bond with sureties, to be approved by the council in such penalty as they may deem proper, payable to the town by its corporate name, with condition for the faithful discharge of said duties. All officers appointed by the council may be removed from office at its pleasure. In case of any vacancies occurring in any municipal office where it is not herein otherwise provided, the town council shall elect a qualified person to fill such office during the unexpired term.

3. The town treasurer shall qualify before the council, and shall give bond to be approved by the council in such sum as that body may prescribe. He shall receive all money belonging to said town. He shall keep his books and accounts in such manner as the council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and any member of the council, or any committee thereof.

4. No money shall be paid out by the treasurer, except on a warrant of the clerk of the council, countersigned by the mayor, and he shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto.

5. The treasurer shall also report to the town council at the end of each fiscal year, and oftener, if required, a full and detailed account of all receipts and expenditures

during the preceding fiscal year, and the state of the treasury, and publish the same by one insertion in a newspaper published in the town of Graham. He shall also keep a register of all warrants, their date, amount, number, and fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined at the time of making such report to the town council by a committee thereof, who shall examine and compare the same with the books of the clerk, and report discrepancies, if any, to the council.

6. The treasurer shall collect all taxes and assessments which may be levied by said town, and perform such other duties as may herein be prescribed or ordained by the town council.

7. All moneys received on special assessments shall be held by the treasurer as a special fund, to be applied to the payment of the matter for which the assessment was made, and said money shall be used for no other purpose whatsoever.

8. The council may, at the request of the treasurer, by ordinances, provide, order, establish or direct that the treasurer keep all money in his hands belonging to the town in such place or places of deposit as in their judgment they may deem proper, and such moneys shall be kept separate and distinct from the treasurer's own moneys. And he is hereby expressly prohibited from using, directly or indirectly, the corporation money or warrants in his custody, or keeping for his own use or benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office. In case of his removal, the town council shall elect a qualified person to fill said office for the unexpired term of the officer so removed. No person shall be allowed to qualify as treasurer a second time unless and until he shall have satisfactorily settled his account as treasurer for the preceding term; and if such settlement be not made on or before the regular time for entering upon the duties of his office for another term, the office shall be considered vacant, and the vacancy shall be filled as hereinbefore provided.

9. The clerk of the council shall attend the meetings of the council and keep a record of its proceedings, and shall have the custody of the corporate seal of said town. He shall keep all papers that by the provisions of this act or the direction of the council are required to be filed with or kept by him. It shall also be his duty, immediately after the close of each session of the town council, to make and present to the mayor a transcript of every ordinance, resolution or order concerning any public improvement or for the payment of money, and every ordinance,

resolution, order and act of legislative character passed by the town council at such session. He shall, in like manner, transmit to the treasurer a transcript of all ordinances, resolutions, or orders appropriating money, or authorizing the payment of money, or the issue of bonds or notes. He shall, in like manner, give notice to all parties presenting communications or petitions to the town council of the final action of the council on such communication or petition. He shall publish such reports and ordinances as the town council are by this act required to publish, and such other reports and ordinances as they may direct, and shall, in general, perform such other acts and duties as the town council may from time to time require of him.

10. The commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying the town taxes that may be ordered by the town council. He shall keep his office in some convenient place in said town, and shall keep therein such books, schedules and records, and in such manner as the mayor and town council may prescribe, which books, records and other papers shall be subject to the inspection and examination of the mayor, the members of the town council, or any committee thereof, and of the collector of the town taxes. He shall receive for his services the fees allowed by law and such other compensation as the town council may from time to time direct. The commissioner of the revenue, in ascertaining the value of real property taxable in said town, shall fix the same at the actual cash value of said property at the time of assessment.

11. There shall be elected by the qualified voters of the town of Graham, on the first Monday in June, eighteen hundred and ninety-two, and on the first Monday in June every second year thereafter, one town sergeant, who shall perform such duties as may be prescribed or ordained by the town council, and shall receive such compensation therefor as the council shall determine. He shall be collector of town delinquent taxes placed in his hands by the town treasurer, and for that purpose shall have all the powers and authority and be subject to the same liabilities and penalties as are prescribed for county treasurers in the collection of state taxes and county levies, and may be proceeded against in the same manner, so far as applicable and not inconsistent with the provisions of this act. He shall pay over to the treasurer weekly, or oftener, if he thinks proper, all moneys which come into his hands for taxes or otherwise belonging to said town. He shall report to the council in writing, at each stated meeting, the amount of all moneys collected by him for the town and paid over as herein directed. Before entering on the duties of his office he shall enter into bond,

with sureties to be approved by the council, in such sum as the council may direct, said bond to be payable to the town of Graham and conditioned for the faithful discharge of the duties of said office, and shall be entered on the records of the council, and the original shall be filed in the office of the clerk of the council.

12. There shall be elected by the qualified voters of said town, on the first Monday in June, eighteen hundred and ninety-two, and on the first Monday in June in every second year thereafter, one justice of the peace for said town, who shall be a resident of the town, and shall hold office for the term of two years, and until his successor be elected and qualified, unless sooner removed from office. The said justice of the peace shall receive for his services such fees as are provided by law in respect to justices of the peace in counties of this state.

CHAPTER V.

1. Finances.—The town council may in the name of and for the use of the town, contract loans, or cause to be issued certificates of debts or bonds: provided that no such certificates of debts or bonds shall be issued except by a two-thirds vote of the council, endorsed by a two-thirds vote of the freehold voters voting on the question; but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four years: provided further, that said council shall not contract such loan, or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement or other purpose, without being first authorized so to do by three-fourths of the freehold voters of the town voting on the question: provided further, that in no case shall the aggregate debt of the town at any one time exceed fifteen per centum of the assessed value of the property, real and personal, within the town limits: and provided further, that the said council shall not endorse the bonds of any company whatsoever, without the same authority. All contracts for the erection of public improvements and buildings within the jurisdiction of the town council shall be let to the lowest responsible bidder, and notice shall be given at least thirty days before the work is finally let by advertisement in one or more newspapers published in the town; and the party to whom said contract is let shall give such bond as the council may require, but in no event shall any contract be let to any member of the town council, nor shall any member have any interest in such contract.

2. Whenever there shall be contracted by the town council any debt not payable within one year thereafter, there shall be set apart annually for thirty-four years, or until

the debt is paid, a sum not less than one per centum of the amount of any debt in addition to the annual interest agreed to be paid thereon, which sum shall be applied and invested towards the payment of such debt.

3. For the execution of its powers and duties, the town council may raise taxes annually by assessments in said town on all subjects taxable by the state, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient (in accordance with the laws of this state and the United States): provided that no tax upon real and personal property in said town shall exceed one dollar and fifty cents upon the one hundred dollars' assessed value thereof: and provided, also, that if the council deems it expedient they may provide, by a resolution passed by three-fourths of the entire council, that no corporation tax shall be levied on machinery, implements, money, and capital of any manufacturing establishment actually in use for manufacturing purposes within the said town for a period not exceeding ten years.

4. The council may levy a tax on water and gas, or licenses to agents of insurance companies whose principal office is not located in said town, to auctioneers, to public theatricals, or other performances or shows in said town, or within a mile of the corporate limits thereof; to keepers of billiard-tables and ten-pin alleys; to hawkers and peddlers; to agents for the renting of real estate; to commission merchants, and any other business, whether a license may be required therefor by the state or not.

5. Any payment of taxes made by the tenant, unless under an express agreement by which the tenant is bound to pay such taxes, shall be a credit against the person to whom he owes the rent.

6. The council may grant or refuse license to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in the town for hire, and may require the owners or keepers of wagons, drays, and carts, using them in the town, to take out a license therefor, and may assess and require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and may prescribe their fees and compensation.

7. All goods and chattels wheresoever found may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed.

8. There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed. The council may require real estate in the town delinquent for the non-payment of taxes to be sold for said taxes, with interest

thereon, at the rate of ten per centum per annum, and such per centum as the council may prescribe for charges. Such real estate may be sold and may be redeemed in the manner provided by law.

9. The town council may organize and maintain a fire department for the town, and appoint an engineer, assistants and other officers, with any and all the powers which have been or may be vested by law in such officers, and they may make rules and regulations for the government of the officers and men of said department; may prescribe their respective duties in case of fire, or alarms of fire; may fix their rate of pay and may impose reasonable fines for the breach of such regulations, and may make such ordinances as they may deem proper to extinguish and prevent fire; to prevent property from being stolen, and to require citizens to render assistance to the fire department in case of need.

10. For the purpose of guarding against the calamities of fire, the town council may, from time to time, designate such portions and parts of the town as they may deem proper within which buildings of wood may or may not be erected. They may prohibit the erection of wooden buildings in any portion of the town without their permission, and shall, on the petition of the owner or owners of at least one-half of the ground included in any square of the town, prohibit the erection on said square of any buildings, or addition to any building, unless the outer walls thereof be made of brick and mortar, or stone and mortar, or metal, and may provide for the removal of such buildings or addition which shall be erected contrary to such prohibition, at the expense of the builder or owner thereof; and if any such building shall have been commenced before said petition can be acted on by the council, or if any building in process of erection, or already built, appears clearly to be unsafe, the council may cause such building to be taken down after reasonable notice to the owner.

11. The said council shall by ordinance provide for any irregular elections not herein provided for, and appoint the necessary officers to conduct the same.

12. All officers elected under this act shall enter upon the discharge of their duties upon the first day of July next succeeding their election, and shall continue in office for the term of two years, and until their successors are elected and qualified.

13. The jailer of Tazewell county, or the person in charge of the prison of said town, is authorized to receive into the said jail or prison, without mittimus or warrant, all persons apprehended by the sergeant or any police officer of said town for violation of the rules, regulations, by-laws, or ordinances, or disturbing the peace of said

town, and shall be authorized to retain such persons in his custody until ten o'clock in the morning of the second day, at which time they shall be discharged unless regularly committed to his custody by a mittimus or warrant, in which case the officers so receiving said parties shall be entitled to the fees provided to be paid when a person is committed under a warrant or mittimus of a justice of the peace.

14. No tax shall be levied or corporation debt contracted unless by a resolution passed by a recorded vote of the majority of the council.

15. No penalty shall be imposed under an ordinance passed by the town council by virtue of this act, until said ordinance has been published in some newspaper published in the said town or by handbills posted in public places within the town.

16. The town council shall have power and authority, at any time after the passage of this act, to lay off new lots, streets and alleys, and other land not included within the limits of said town, and to include the same within the corporate limits thereof, with the consent of the owners of the land which they may desire so to include; or if any such land be owned by an infant, feme covert, or person non compos mentis, imprisoned, or not within the commonwealth, or by any person disabled by law in any manner to give consent, then, in that case, with the consent of the county court of Tazewell county.

17. All streets, cross streets, and alleys which are not already laid off and opened (or which may at any time be located, surveyed and opened) in said town, or in extending the same by the authorities of said town, shall be any, they are hereby established as public streets and alleys of said town.

18. For the more equal apportionment of the taxes upon the lots and buildings of said town, it shall be lawful for the council thereof, at such times and as often as may be deemed necessary by them, to appoint three freeholders over twenty-one years of age, who, being first duly sworn for that purpose, shall without delay proceed to value the lands, lots, buildings and improvements erected or to be erected within the limits of the said town; which valuation, any two of said valuers concurring in the same, in writing under the hands and seals of said valuers, or of the two concurring as aforesaid, shall be returned forthwith to the council of said town, to be entered of record upon their proceedings. And the council of said town, when levying tax on the real estate thereof for any year, shall be regulated by the valuation so returned, which valuation shall be taken and considered as the valuation for the purposes aforesaid until a new valuation shall be made. And if any person or persons shall consider them-

selves aggrieved by the valuation of said valuers, he or they shall have the privilege of appeal (within twenty days after the return of said valuation) to the council, whose decision shall be final. The assessment for the town taxes shall be the basis for the assessment of taxes for state purposes.

19. The town of Graham and the officers thereof, whether appointed by this act or hereafter elected or appointed in accordance with its provisions, shall be clothed with all the powers and be subject to all the provisions of the general laws of the state, except in so far as the same are in conflict with the provisions of this act.

20. This act shall be in force from its passage.

CHAP. 417.—An ACT to provide for working and keeping in repair the public roads in the county of Louisa.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That each magisterial district of the county of Louisa shall keep in good repair the roads in said district, and, as far as such districts may be able, in time gradually to permanently improve the same.

2. There shall be a commissioner of roads for each magisterial district in said county, who shall be appointed by the county court at its next term after the passage of this act, and every four years thereafter at the regular March term of such court. Said commissioners shall qualify before said court, and execute such bonds as the judge thereof shall require.

3. The commissioners, as soon after their appointment as practicable, shall, either with or without conference with each other (except where a road divides two precincts, in which case it shall be fairly proportioned between the respective districts by the road commissioners of such districts on conference with each other, or if they cannot agree, by the said county court), lay off and divide the roads in their respective districts into precincts, the same in no case to exceed three miles in length, having regard, in establishing each precinct, to the character of the road with reference to the amount of work necessary to keep the same in repair, and having regard also to the number and convenience of hands, and each precinct in such districts shall be numbered separately, as "precinct number one of — district," number two, and so on.

4. For each precinct the commissioner of roads for that road district shall recommend to the court a suitable person

as overseer, and shall allot the hands to each precinct who are liable to work on the roads as hereinafter provided, and the hands thus assigned shall be as nearly equal to the character and magnitude of the work as may be; and regard also to the convenience of the overseer and hands shall be had, and in assigning hands it shall be done by farms or by geographical boundaries.

5. Each commissioner shall report to the court the division of the roads of his district into precincts, the overseers recommended for such precincts, and the hands allotted to the same, and the court may establish the precincts, appoint the overseers, and allot the hands in accordance with such report, or for good cause depart from the same in any respect.

6. All male persons in each district, or whose domicile is therein, though such person be absent therefrom, whether out of the state or not, who are able-bodied and between the age of sixteen and sixty years, and who have not been or may hereafter be exempted by the court, shall be compelled to work on the roads a period of time aggregating two days of ten hours each in each year when warned by the overseer of the precinct to which they belong, except persons who have lost an arm or a leg, or who reside in an incorporated town which keeps its streets in order.

7. The commissioners shall hold their office for a term of four years from the date of their appointment; and all persons appointed as overseers of precincts shall be compelled to act unless for good cause shown to the court, or unless it be a person not liable to work on the roads as provided in the preceding section, and the overseers shall serve for two years, and until their successors are appointed, unless released by the court for good cause shown; and if they desire to be released at the end of the two years, they shall notify the road commissioner of their district, and it shall be his duty to report the fact to the court and recommend another suitable person in his stead; but before such commissioner shall do this, he shall ascertain that the overseer has worked the number of days required of him and that his road is in good repair, as required by this act to be kept, and the court must be satisfied of the same before the said overseer shall be released or another appointed in his stead.

8. If any person be notified, or in case of any person whose domicile is in any road district and he is absent therefrom, if notice be given in writing to any party over sixteen years of age residing at the place of domicile of such party, or by posting on the front door, if there be no such party residing at such place of domicile, warning such absent person to attend and work as required by the overseer, and he fail to appear and work with such tools

as he has been notified to bring, upon the day he is warned, or when any hand fails to do a good fair day's work, or if the overseer can effectively employ and shall permit, shall fail to appear and do said work in ten days after he is warned, unless good and sufficient cause be shown, he shall be fined one dollar for such failure by the overseer of his precinct, and said overseer shall make out an account against the said party, and the same shall have the force and effect of a tax-ticket due the commonwealth; and the said overseers are hereby empowered to and shall collect the said fines in their several road precincts, and may distrain or levy therefor in the same manner and upon the same property as in the case of distress or levy for taxes, and shall return a list of all fines collected and of the persons delinquent, and make return of such accounts as are unpaid within thirty days after making out the same to the clerk of the county court in the same manner as provided for constables and sheriffs to make return of list of fines under section ten hundred and ten of the code of Virginia. The said overseers shall receive one-fourth of all fines collected by them as their compensation for collecting the same, and the residue of such fines shall be turned over by said overseers to the county treasurer to the credit of the respective districts from which the same may arise, and take the receipt of such treasurer for each payment of such fines to him, and return the same along with said list of fines collected; and for any failure to comply with this act in collecting said fines and making said returns the said overseers shall be subject to the penalty provided in section ten hundred and twelve of the code of Virginia for failure to perform their duties; and no property shall be exempt from liability for distress or levy for such fines either under the homestead or the poor debtor's exemption laws.

9. If the said account is returned to the clerk's office as afore provided as delinquent, it shall be the duty of the said court to issue a *capias pro fine* against the delinquent party and place the same in the hands of the sheriff or any constable of the county, who shall proceed to arrest the said party and place him under the control of the road commissioner of his district, who shall see that he works out the amount of his fine and costs, allowing him credit for seventy-five cents per day for each day of ten hours employed, and the costs shall be the same as allowed by law on an indictment for misdemeanor. If such party refuse to do the work he shall be liable to enforced labor on the county roads by order of the county court under the general law.

10. Each overseer shall cause the roads in his precinct to be kept clear of loose rocks and secure from falling of dead or dangerous timber, from gates unlawfully kept up,

and other unlawful obstructions; shall keep open proper drains and turn the water from the road as much as practicable; and where the more permanent and heavy work, such as cross-laying, gravelling, sanding, ditching and grading the roads, has not been reached or done by the regular force of labor hereinafter provided for, work of this character shall be done by the overseers to such extent as to put and keep the roads in fair traveling condition; and where necessary and practicable, a sufficient foot log across streams for the accommodation of foot passengers shall be provided by the overseers of each precinct; and where the grade exceeds five degrees, or where the old road-bed has washed much below the surface between high banks on each side, it shall be put on a new location, if practicable, or as may seem best by the road commissioner of that district. In changing the road on account of the old road-bed having washed below the surface between high banks, the new location selected, everything else being equal, shall be along the margin of the old road, so that the latter may afford easy drainage.

11. Any overseer failing to have his roads worked as required by this act as soon after his appointment as practicable, shall be liable to indictment, and on conviction thereof shall be fined not less than five nor more than thirty dollars, which when collected shall be turned over to the road fund of the said overseer's district.

12. When it becomes necessary for the overseer of any road precinct to have timber or gravel or sand, or teams and plows, or wagon or cart, or the like, to work his precinct, and cannot obtain the same without payment therefor, and whenever there are hands assigned to any precinct who have no suitable tools to work on the road, and the overseer by personal inspection shall ascertain the fact, he shall apply to the road commissioner of his district, and it shall be the duty of such commissioner to purchase such material and tools and to furnish such team and vehicles for such overseer, and to supply such overseer. Such commissioner shall make use of the teams and implements belonging to the county, as hereinafter provided for, so far as may be practical or convenient, and where not practical or convenient, shall hire or purchase the same.

13. The county court may at any time for good cause remove any commissioner or overseer, as the best interest of either district may demand.

14. It shall be the duty of the board of supervisors of the county, at their next regular August meeting, and annually thereafter, to lay a special levy on the assessed value of all property within the county, real and personal, except the railroads, as hereinafter provided, of not less than thirteen nor more than fifteen cents on the one

hundred dollars value thereof, which shall be collected by the county treasurer as other taxes are collected, except that he shall keep the same separate from the other funds, and the sum collected from each road district also separate; and upon the railroad known as the Chesapeake and Ohio, the railroads leading from the sulphur mines and the Arminius mines, and any other railroads that may hereafter be constructed in said county, the said supervisors shall at the same time lay a levy on the value thereof, which may be prescribed by the board of public works for state taxes, of as many cents on the one hundred dollars in value as the whole county levy may be for all purposes, including said special road tax, on the other property in said county; and the whole revenue thus arising from such railroads shall be appropriated and expended exclusively for roads and bridges, in the same manner as the special road tax aforesaid, except the school tax; that the revenue arising from this source shall, when collected, be apportioned by the treasurer among or to the several road district funds in proportion to the taxable values of such districts, outside of such railroads, and shall place to the credit of each road district such proportion of such revenue; and he shall open an account with each road district, crediting each district with the funds collected therein from such levy (or placed to the credit of the same collected from said railroads) from fines, and from all other sources, and charging the same, with his commissions for collecting such road tax (which shall be the same as for collecting other county levies), and with moneys paid out, as hereinafter provided, upon orders of the county court; and for the period that must intervene from the passage of this act until December first, eighteen hundred and ninety-two, when such special road tax will be begun to be collected, the said board of supervisors shall set apart of the funds arising from the present county levy, and from the surplus now in the treasurer's hands to the credit of the county, by warrants upon the treasurer in favor of the several road districts, issued from time to time, as any funds may be available over and above the expenditure upon other things necessary to be incurred by the said board, a sum aggregate of not less than four thousand dollars, which sum, and every warrant for the parcels thereof, shall be apportioned to the several road districts in proportion to their taxable values outside of the railroads, and the same shall be by the treasurer credited to the several road districts accordingly, and be paid out by him upon orders of the county court, as in case of the special road tax, railroad tax, fines, and so forth, as aforesaid; and at their next regular meeting after the passage of this act the said supervisors, of the said sum of four thousand dollars, shall so set apart out of the

funds then in the treasurer's hands to the credit of the county, the sum of two thousand dollars.

15. The road fund of each road district shall be expended exclusively upon the roads and bridges in such district, except where a road or bridge is on the boundary between two districts, in which case each district shall bear its just proportion of the expense in paying damages for and in opening new roads, changing old roads, building and repairing bridges, and in defraying the cost of road-working under the overseers and under the system of employed labor as provided for in this act.

16. The overseers shall be paid at the rate of one dollar per day for the time they are actually employed in summoning the hands to work upon the roads in their precincts, for which they shall make out their accounts, make oath to the correctness of the same, and present to the said court, when the court will order the amount due each overseer to be paid him by the treasurer out of the road fund of such overseer's road district. The road commissioner of each district, to the parties from whom he may purchase timber or other material or tools, or hire teams or vehicles, or plows or other implements, and to the foreman and all persons employed upon the roads as hereinafter provided, immediately after such purchase is made and the timber or other material or tools are furnished, or such teams, vehicles, or plows or other implements are used, and in case of labor employed as aforesaid, on the tenth of each month, for the work done the preceding month, shall issue certificates for the amount due them; and this shall be done in case of amounts due for timber or other material or tools purchased, either in the working the roads by the overseers or by the employed labor, as hereinafter provided for; and the rates that such road commissioner shall allow for the same shall be in accordance with a schedule to be made out by the supervisors as early as may be after the passage of this act, subject to the approval of the court, and in the time intervening before such supervisors may act in accordance with a schedule to be made out by the said court. The road commissioners shall return to each term of said court an itemized statement of all the certificates issued by them during the preceding month, stating the amount of each, to whom given, and for what. These certificates shall be dated, and of the following form:

I, _____, road commissioner for _____ road district of Louisa county, do certify that _____ is entitled to the sum of _____ dollars and _____ cents for _____.

(Signed) _____, R. C.

And such certificate shall not be assignable or transferable, and upon presentation to the county court the same will order the treasurer to pay the same to the party in whose favor the certificate is the amount thereof, unless the court ascertain that this amount is not due to such party, in which case it shall order the true amount due him, if any, to be paid by the treasurer out of the road fund belonging to the road district in which such expense was incurred.

17. It shall be the duty of each road commissioner, when directed by the judge of the county court, at such periods of time and for such lengths of time as the said judge may from time to time prescribe by order, in term or vacation, employ in their several road districts a foreman, and authorize him to employ as many hands to labor on the roads in such districts as the said court or the judge thereof in vacation may direct; which foreman shall labor on the roads, as well as employ and have in charge and direct the hands aforesaid, and he shall himself be under the general supervision and direction of the road commissioner of his district. Such foreman shall be paid not exceeding one dollar and a half per day, and each hand not exceeding one dollar per day, as may be prescribed by the county court for each day of ten working hours employed. The road commissioner of their district shall, by the tenth of each month, issue to such foreman and hands, when the same are employed, certificates for the several amounts due them for work during the preceding month, which, when presented to the county court, shall be ordered to be paid by the treasurer out of the road fund of that road district as in such cases above provided. Each foreman shall keep a time-book, and note therein the time which each hand works, and his own time as well, and report the same to the road commissioner of his district at the end of each month.

18. It shall be the duty of the road commissioner of each district, when directed by the county court, or the judge thereof in vacation, for their respective road districts, to furnish the foreman, while employed as in this act provided, with a good yoke of oxen or two good horses or mules, one good cart or one good wagon, and all tools, implements, and machinery necessary to make, repair, and keep the roads in order as required by this act, and the road commissioner of each district, subject to the approval of the county court, or the judge thereof in vacation, shall purchase the same, and arrange for the feeding and caring for the team: provided that such commissioner and said court may, in making such purchases under this act, provide for the payment therefor, partly in cash and partly in payments not to exceed two annual instalments; and in the discretion of the court such purchases may at any time be made by any two or three or four of the road commission-

ers, and held for the joint benefit and at the joint charge for the purchase and caring for the same of any two or three or all four of the road districts, as the case may be, and be furnished alternately to the foreman of the respective road districts.

19. It shall be the duty of the road commissioners of each district to direct the work to be done on the roads and bridges in his district, and to see that the foreman and the overseers in his district discharge their duties. Such foreman, with his force of hands, shall be first employed upon the trunk roads or main thoroughfares of the county. The work done shall be of a permanent and durable character, by cross-laying with poles of not less than three inches at the small end, covered with not less than six inches of earth, and by using rocks, gravel or sand on miry or other sections of the road which cannot be kept in good, firm condition by drainage. The roads shall be elevated high in the centre, and where fall can be obtained, ditched with deep, broad ditches, with sloping banks on each side of the road; and the water shall be turned from the roads wherever practicable, and to effect this ditches may be cut through the lands adjacent to the roads of such depth and length as may be necessary. The breadth of road to be worked under this act shall be not exceeding twenty feet. At least once a year the commissioners shall traverse and examine all the roads in their several districts, and at such times as the foreman and his force of hands may be employed. Each road commissioner shall at least once a month inspect the work done by the same in his road district the preceding month, and direct where the work for the future shall be done, and shall specify the character of the work and direct the manner in which it shall be done. And the road commissioner may provide and engage places of shelter for the teams where necessary and while they are employed, the expense of which shall be paid by orders of the county court on certificates given by the commissioners as in case of other expenses of road work by the commissioners hereinbefore provided. The commissioners shall see that the roads in their districts are of the proper width, and in all cases where they are not he shall notify the person trespassing by written notice, and if the obstruction is not removed in thirty days he shall direct the overseer of the precinct in which such obstruction is to remove the same, and the said commissioner may recover the expense of such removal, with costs, from the trespasser, upon judgment before a justice of the peace, whose jurisdiction shall not be limited by the amount of expense claimed or recovered. And each road commissioner shall annually, at the May term of the county court, report in writing to the court the general condition of the roads and bridges in his district, and

what work will be needed on such roads and bridges for the ensuing year to put them in such order as required by this act.

20. It shall be the duty of the road commissioner to discharge any foreman, and of the foreman to discharge any hired employee for inefficiency or neglect of duty, and the commissioner shall have power to hire other foremen, and the foremen other hands to fill the vacancy caused by such discharge, or to fill any vacancy from whatever cause created.

21. Whenever, in the opinion of a road commissioner of a road district, it is necessary, or whenever a citizen desires to alter or change or discontinue a public road or build a bridge, such person shall apply to the county court for the same. The county court shall direct the road commissioner of the road district in which the same is, to view the ground of any new road or bridge, or any proposed change; the county surveyor or some other competent surveyor shall accompany the commissioner, in the case of a road, if the commissioner shall deem it necessary, and survey and map the same. The commissioner shall, as early as practicable after receiving the order of court to that effect, proceed to make the view, and if he decides that there is a necessity for a new road, or change of a road, or of building a bridge, he shall locate the same, assess the damages that will be occasioned to any land owner thereby, and the probable cost of opening or changing such road, as the case may be, or of building such bridge, and make report in writing to the next term of court of all such matters, and any other facts that will enable the court to determine the propriety of action in the premises. In the case of a new road or change of a road the commissioner shall report especially whether any yard, garden or orchard will have to be taken. Upon the return of the report of the road commissioner, the owner, the guardian or committee, if within the county (if not, the occupant of the land on which the road or bridge will be, if established) shall be summoned to show cause against the said report; and any proprietor or tenant of the land may enter himself as party defendant to the proceeding, after which the same proceedings shall be had as under the general law of the state, after there has been a report of viewers.

22. The court, if satisfied that the public interest will be subserved by opening, or changing, or discontinuing the road, or building the bridge, may establish the same, and order such damages as it may determine upon, if any, to be paid to the parties entitled, and shall cause the clerk to deliver a copy of such order establishing such road or bridge to the commissioner of roads of the road district in which the same is located.

23. If the court decide against the application to alter or change, or discontinue, or open such road, or build such bridge, it may require the costs to be paid by the petitioner as it may deem just; and where the road is altered or changed, or a new road or bridge established, the court may order the damages, if any awarded, and costs to be paid by the treasurer out of the road fund of the road district in which the same is, if in the opinion of the court the district should bear all the expense of the same, or it may compel the petitioner benefited by the road or bridge to pay any part or the whole of such damages and costs.

24. Any surveyor acting under this act shall be paid two dollars and a half per day for the time employed, out of the road fund of the district in which such work is done, by order of court upon the certificate of the road commissioner of that district.

25. The commissioner of roads receiving such order of court shall direct the foreman in his district to alter, close, or open the said road or build the said bridge; or in case of a bridge, the said commissioner, with the approval of the county court, or the judge thereof in vacation, may employ such skilled bridge builders as may be necessary to assist the foreman, or instead of the foreman and his regular force of hands; such labor to be paid for at the customary and usual prices for the same, on the certificate of the commissioner as in case of other employees; or in the discretion of the court or the judge thereof in vacation the building of said bridge may be let by contract, to be built of wood, iron, or other material, in such manner as to the letting as may be most convenient or expedient.

26. Each commissioner of roads may change any road in his district, which does not involve the condemnation of land or payment of damages, as where the land owners consent in writing, which shall be returned by the commissioner with his next monthly report, which shall be entered of record by the court and filed by the clerk of said court in the record of the proceedings of the next term of court after its return.

27. The commissioners shall receive a compensation of one dollar per day for each day employed in the discharge of their duties under this act: provided that they shall not be paid more than fifty dollars in any one year; and they shall make out an account for their services at the end of each year, and make oath to the correctness of the same, and present it to the county court at its January term following, when the court shall order the same to be paid out of the road fund of the road district of such commissioner.

28. The county treasurer shall annually, at the August meeting of the board of supervisors, settle and adjust be-

fore said board his accounts with the road fund. The said board shall charge him with the full amount of the road tax levied in each road district, and of the railroad tax apportioned to each district as assessed, the amount collected in each road district from fines and from all other sources, and credit him by his delinquencies, his commissions and all payments for which he has proper vouchers.

29. The county treasurer shall, whenever required by the said court, render to the same a statement of his accounts with any road district, and it shall be his duty to pay the orders of said court upon any such fund on presentation when he has funds to the credit of such district: provided, he may offset any taxes due by any party in whose favor such order is; and for every day which said treasurer shall fail to pay any order on any such fund on presentation, he shall be subject to indictment, and on conviction be fined not less than five nor more than thirty dollars, each day being a separate offence, which fine, when collected, shall be placed by him to the credit of the road district out of the fund of which such order was payable.

30. Nothing in this act shall affect the general law of the state with reference to work and employment upon the roads of the chain-gang, and the road commissioner of the court-house road district, subject to the approval of the county court, may employ hands to work under the foreman of the chain-gang, which hands shall be paid out of the road fund of such district on certificate of the road commissioner of such district as other hands employed by him.

31. It shall be the duty of the commonwealth's attorney to represent the county, without any additional compensation, in all cases arising under this act, in the county and circuit courts.

32. The general road law of the state, except so far as it is in conflict with this act, shall be in force in the county of Louisa, and all special road laws for such county heretofore in force are hereby repealed.

33. It shall be the duty of the county court to give a liberal construction to this act, so as to have the same fully executed and carried into effect.

34. This act shall be in force from its passage.

CHAP. 418.—An ACT to provide for the more efficient working of the public roads in Fluvanna county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That on and after the passage of this act it shall be lawful

for the county of Fluvanna to work and keep in repair the public roads and highways of this county in the following manner, to-wit:

2. The board of supervisors of the county shall, as soon as practicable after the passage of this act, but not later than the first day of April, proceed to lay off and divide all the public roads of the county into sections of from three to six miles, or thereabouts in length, according as their location and the difficulties of keeping in proper repair may in their best judgment suggest.

3. Immediately upon the completion of this work of dividing the roads into sections, they shall meet at the courthouse and, with the assistance of the commonwealth's attorney and county judge, proceed to appoint three road commissioners for each township, who shall constitute the township board of road commissioners for their respective townships.

4. At their first meeting the commissioners shall apportion the hands along the line of each road to the sections upon which they will be required to work, and post the same at the place where the letting to contract will be done, so that bidders may be informed as to their number and character.

5. The said board of road commissioners shall annually, in the month of May, let to contract to the lowest suitable bidder, the work of keeping in repair the roads in their respective districts, notices of which letting shall be posted at each voting precinct and post-office in the district and otherwise published, as said board may deem advisable. The said lettings may be for one or more sections, and shall be for the term of one year, ending on the first day of July of each year. They shall require the bids to be in writing and signed by the party, and delivered under seal to the said board of road commissioners for their examination, approval, or rejection, at their meeting for that purpose.

6. Each contractor shall be required to give bond, with good security, in a penalty of at least double the amount of his bid, for the faithful performance of his contract, which bond shall be subject to the approval of the board of supervisors and filed with the clerk of the board of supervisors, and the condition and width in which each section of road is to be kept, is to be incorporated in each bond and contract, and a recovery may be had for the breach of said contract, in the name of the county for the benefit of the road fund, in the county court, by motion, after ten days' notice to the contractor and his security or securities.

7. The board of road commissioners shall have the right at any time, for good cause, and with the consent of the board of supervisors, to reject any bid or revoke any con-

tract and relet the same; and no member of the board of road commissioners shall be directly or indirectly interested in any contract made under this act, and any participation shall render the contract null and void.

8. Each contractor shall be entitled to the services of all persons assigned by the commissioners to his section or sections for two days of eight hours each in each year. Any person failing to attend with proper tools and work the roads on the days the contractor may direct shall pay the contractor seventy-five cents for the day upon which there shall be such failure, and if the money be not paid to the contractor within thirty days, he shall make out a ticket against such delinquent, if he be a person of full age, or if he be an infant, against his parent or guardian, for the amount of said fine, and place the same in the hands of the constable or sheriff, who are hereby required to receive the same for collection and to receipt to the contractor for the same. The officer having charge of the collection of such fines shall distrain therefor in the same manner as for taxes and for county levies, and may sell any property distrained after ten days' notice. Such officer shall have a fee of fifty cents in all cases where the fee is collected by him, to be paid by the party in addition to his fine. He shall pay over to the contractor within thirty days after they come into his hands, or return the same to the contractor as insolvent within thirty days from the time he receives it. All tickets for labor which may be returned by the officer as insolvent shall be returned by the contractor to the county court, which may, unless good cause be shown to the contrary, order that the delinquent party be arrested and turned over to the contractor to work at fifty cents per day until the fine and costs are paid.

9. At the first meeting of the board of road commissioners they shall elect one of their number chairman, who shall be required to give his personal supervision to all the roads and bridges within their respective districts; to see that the contractor is faithfully performing his contract, and for any failure in carrying it out shall at once, through the prosecuting attorney, institute proceedings for the recovery of damages for breach of said contract. It shall be his duty to cause the roads in his district to be cleared of all obstructions, secure from all the falling of dead timber, and a sufficient bridge, bench or log for the accommodation of foot passengers across each stream when necessary; and for every breach of duty under this section he shall be deemed guilty of a misdemeanor, and for the performance of his duty he shall receive compensation at the rate of one dollar and fifty cents per day: provided that in no case shall his compen-

sation exceed twenty-five dollars per annum, to be paid out of the road levy.

10. In case the commissioners in any district are unable to let to contract any section, sections, or any of the roads in their respective districts, then they shall appoint some person or persons to take charge of such section or sections, and with the labor assigned to them, and the hire of such other labor as is necessary, keep such roads in order.

11. The board of commissioners shall make to the regular July meeting of the board of supervisors a full and itemized statement and report of all the expenditures and collections in their respective districts, with estimates of what amount will be needed for the succeeding year.

12. The members of the board of commissioners shall receive each for their services annually the sum of two dollars per day: provided that it shall in no case exceed ten dollars per annum.

13. For the proper performance and execution of these duties, and the payment of contractors, the board of supervisors is hereby authorized to levy a tax not to exceed twenty-five cents on the one hundred dollars' worth of personal property and real estate, railroad and telegraph lines, and all other property available for county taxes, and it shall be collected and accounted for by the county treasurer as a special road fund, and shall be paid out on the order of the board of supervisors.

14. Be it further enacted, That the board of supervisors be, and it is hereby, vested with such further powers as in its judgment may be necessary to put the provisions of this act into complete and effective operation.

15. Be it further enacted, That in no case shall the board of road commissioners, in their lettings of the roads, contract to incur in their respective townships a greater indebtedness than one-fifth of the amount levied in the whole county for county road purposes.

16. This act shall be in force on and after the first day of July, eighteen hundred and ninety-two.

CHAP. 419.—An ACT to provide a new charter for the town of Waverly.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That so much land, together with the improvements thereon, as is included in the following described boundary lines, to-wit: Beginning at Lobb's shop crossing, running thence by air-line to Burt's crossing on the Norfolk and

Western railroad; thence along the county road leading to Blackwater to a point intersected by the county road leading to Waverly; thence by air-line to culvert on Norfolk and Western railroad where said road crosses the Spring branch; thence by air-line back to Lobb's shop crossing before mentioned, shall continue to constitute the town of Waverly, in the county of Sussex, and may sue and be sued by and in that name; and the inhabitants thereof shall have and exercise the powers and privileges herein contained and such others as may be given them under the general law.

2. The administration and government of the said town shall be vested in one principal officer, to be styled the mayor, one board to be styled the council of the town of Waverly, and in such other boards and officers as are hereinafter mentioned or may be provided by the council.

3. The municipal officers of said town shall consist of one mayor, five councilmen, a treasurer, and a sergeant.

4. The election for mayor and councilmen shall be held on the fourth Thursday in May, eighteen hundred and ninety-four, and every second year thereafter. The mayor and councilmen elected under this act shall enter upon the discharge of their respective duties the first day of July succeeding their election, and hold office for two years. All persons in office in said town at the time of the passage of this act, shall continue in office until the first day of July succeeding the first election held under this act, or until their successors are elected and qualified.

5. The mayor and other municipal officers of said town, before entering upon the duties of their respective offices, shall be sworn, according to the laws of the state, by any one authorized to administer oaths. If any person elected or appointed to any office in said town shall neglect to take such oath in thirty days after receiving notice of his election or appointment, or shall, for the like space of time, neglect to give such surety as may be required, he shall be considered as having declined said office, and the same shall be declared vacant, and such vacancy shall be filled by the council by election or appointment, as the case may be.

6. The council shall fix the salary and fees of the mayor, treasurer, sergeant and such other officers appointed or elected under this act, which shall not be diminished during their term of office.

7. The council shall, at its first meeting after election, or as soon thereafter as practicable, elect one of its members as president of the council, who shall preside at all meetings of the council. It shall appoint a treasurer, sergeant, and such other officers and boards as it may deem proper and necessary, define their powers, prescribe their duties, and fix their compensation, and take from any offi-

cer so appointed a bond, with security to be approved by it, in such penalty as it may deem proper, payable to the said town in its corporate name, conditioned for the faithful performance and discharge of such duties. It may suspend or remove all officers so appointed for good cause at its pleasure. In case of a vacancy occurring in municipal offices where it is not herein provided for, the council shall elect a qualified person to fill such vacancy during the unexpired term. A member of the council may hold the office of treasurer of said town.

8. The council shall appoint a board of health for the town, and invest it with authority for the prompt and efficient performance of its duties.

9. The council shall, by ordinance, fix the time of its meeting. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings and convenient transaction of its business; to compel the attendance of its members, to punish its members for disorderly behavior, and, by a vote of three-fifths of the whole council, expel a member. The meetings of the council shall be open to the public, except when the public welfare, in its opinion, requires secrecy.

10. A majority of the council shall constitute a quorum for the transaction of business, but no ordinance or resolution shall be adopted having for its object the levying of taxes or appropriation of moneys except by a three-fifths vote of the council.

11. The council shall have power to levy a specific street tax not exceeding fifty cents upon each male citizen who is over the age of twenty-one years, and to levy a tax not exceeding twenty-five cents on the hundred dollars worth of property for all purposes: provided, however, that said council may impose a further tax not exceeding eighty cents on the hundred dollars when authorized by a two-thirds vote of all the legally qualified voters of said town.

12. The council shall appoint a board, consisting of one or three citizens of the town, to be known as assessors, whose duty it shall be to assess the value of the lots and lands and improvements thereon in the town for the purpose of taxation; but the assessment for state taxation shall be the basis of said assessment for said town purposes.

13. The mayor shall, by virtue of his office, possess all the power, authority, and jurisdiction of a justice of the peace of Sussex county. He shall appoint assistant sergeants whenever the peace and good order of the town, in his opinion, may require it, and see that all ordinances of the town are faithfully enforced. In case a vacancy shall occur in the office of mayor, from any cause, the president of the council shall perform all the duties of the office until

such vacancy is filled by an election of the council for the unexpired term.

14. The mayor or president of the council shall not be required to issue warrants for the arrest of persons charged with a violation of any town ordinance. He may admit any one charged with a violation of an ordinance to bail before trial.

15. When an officer to whom an execution for a fine and costs shall be directed cannot find goods and chattels belonging to the defendant sufficient to satisfy such execution, he shall make return thereof at once to the mayor, who shall thereupon issue a *capias pro fine* against the said defendant for the amount of such fine and costs, and deliver it to such officer for execution. The mayor shall have the same fee allowed clerks of court of record for similar service.

16. The council shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town, of all property, real and personal, belonging to said town, and may make such ordinances and by-laws relative to the same as it may deem proper; and it shall likewise have power to make such ordinances, orders, by-laws, and regulations as it may deem necessary to carry out the following powers (and any other powers that may be granted it by the general laws of this state), which are hereby conferred upon it:

First. To establish a market in and for said town and appoint proper officers therefor.

Second. To erect and provide in or near said town suitable buildings for work-houses, houses of correction and reformation, and houses for the reception and maintenance of the poor and destitute, for the officers of the town, and for the confinement of prisoners, and to purchase and hold lands necessary upon which to erect such buildings.

Third. To close or extend, widen or narrow, lay out, graduate, curb and pave, and otherwise improve the streets, alleys and sidewalks in said town, and have them kept in good order and properly lighted; and over any street or alley in the town which has been or may be conveyed to the town it shall have the like power and authority as over other streets and alleys; it may prevent or remove any structure, encroachment or obstruction under or in any sidewalk, street or alley, and may permit shade trees to be planted along such streets and alleys in said town.

Fourth. To regulate and prescribe the location and building of all houses and sheds, and order the removal of any building condemned as dangerous in any way by the committee on public property, saving to any person aggrieved the right of appeal to the council: provided such appeal be taken within fifteen days from the report of said committee.

Fifth. To determine and designate the route and grade of any railroad to be laid in said town, and to restrain and regulate the rate of speed of locomotive engines and cars upon the railroads within said town.

Sixth. To require and compel the abatement of all nuisances within said town, at the expense of persons causing same, or owners of grounds whereon the same shall be; to prevent and regulate slaughter-houses, soap and candle factories, hog-pens, privies, stables, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment; to regulate or prevent the storing of gunpowder, kerosene oil and other combustibles, and to prohibit the sale and use of fire-works in said town.

Seventh. To prevent hogs, dogs and other animals running at large in said town, and subject the same to such regulations and taxation as it may deem proper.

Eighth. To prevent the riding and driving of horses or other animals at an improper or dangerous speed, throwing stones or engaging in any employment or sport on the streets and alleys dangerous or annoying to the citizens, and to prohibit and punish the abuse and cruel treatment of horses and other animals in said town.

Ninth. To restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality; to preserve the peace and good order of the town, prevent and quell riots, disturbances and disorderly conduct in assemblages; to suppress houses of ill-fame and gambling houses; prevent indecent and lewd conduct on the streets, and to expel from the town persons guilty of any offence above mentioned, when, in its judgment the good order and peace of the town require it; or may require such persons to give bond, with approved security, in a penalty not exceeding the sum of one thousand dollars, for their good behavior during the term of twelve months, and upon failure to give such bond may be committed to prison for a term not exceeding twelve months.

Tenth. To prevent, forbid, and punish illegal selling of spirituous or malt liquors, wines, or any mixture thereof, by a fine not exceeding one hundred dollars and imprisonment not exceeding ninety days for each offence; reserving the right to the party convicted of appeal to the county court of Sussex county in all cases wherein the fine exceeds the sum of fifty dollars and imprisonment exceeds thirty days. In the enforcement of any ordinance of the town the jurisdiction of the mayor shall extend one mile beyond the limits of the town. Procuring or soliciting orders for liquor for another shall be deemed a sale under this section.

Eleventh. To punish for contempt of court, releasing or attempting to release a prisoner, or interfering in any manner with any officer in the exercise of his official duties.

Twelfth. To prevent the coming into town of persons having no visible means of support, and of persons dangerous to the peace and good order of the town.

Thirteenth. There shall be a lien on all goods and chattels and real estate for taxes assessed thereon from the beginning of the year for which they were assessed, and for any assessment for curbing and paving sidewalks and bridging gutters, and a like lien on all property, both real and personal, of each male citizen over the age of twenty-one years for his street tax, from the beginning of each year for which it is levied. The council may require real estate returned delinquent for the non-payment of taxes, street tax and assessments for curbing and paving sidewalks and bridging gutters, to be sold for such taxes and assessments, with interest at the rate of ten per centum per annum from the time when such taxes or assessments became due and payable, and such per centum for charges as it may prescribe, such sale to be made in accordance with the state law.

17. For the execution of its powers and duties the council may raise by taxes annually, by assessments in said town, on all subjects taxable by the state, on dogs, drays, wagons, carts, snack venders, hacks, and other wheel vehicles, and shooting galleries, such sums of money as it may deem necessary to defray the expenses of the town, and in such manner as it may deem expedient.

18. Where by the provisions of this act the council has authority to pass ordinances upon any subject, it may prescribe any penalty not exceeding one hundred dollars fine or imprisonment not exceeding ninety days, or both, and may provide that upon failure to pay fine and costs, or either, the offender may be imprisoned and worked on the streets and alleys of the town until such fine and costs are paid, reserving to the person convicted the right of appeal to the county court of Sussex county in all cases wherein the fine exceeds the sum of twenty-five dollars and imprisonment exceeds forty-five days.

19. From and after the passage of this act the present mayor and council of said town shall have all the powers and authority herein granted to the officers hereafter to be elected in pursuance of this charter.

20. All ordinances now in force in said town not in conflict with this act, the laws of the state and United States, shall remain in force until altered, amended, or repealed by said council.

21. All acts and parts of acts in conflict with this act are hereby repealed.

22. This act shall be in full force and effect from and after its passage.

CHAP 420.—An ACT to amend and re-enact section 10 of an act entitled “an act to incorporate the town of Hampton, in Elizabeth City county, Virginia, approved May 23, 1881,” and to further amend and re-enact the said act by the adding of two additional sections thereto, to be known as sections 14 and 15, respectively, and to further amend and re-enact said act by changing the numbers of sections 14 and 15 in said act to 16 and 17, respectively.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section ten of an act entitled “an act to incorporate the town of Hampton, in Elizabeth City county, Virginia,” approved May twenty-three, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 10. That the council of said town shall elect from the electors of said town one person, who shall be denominated the town clerk. His duties shall be to keep a correct record of all the proceedings of the council; to provide the requisite books and stationery to make out a list of the property and persons to be taxed within the limits of the town, and to fix the valuation of the same as determined by the officers of the state for state taxation; to issue tickets for taxes levied by the council, which tickets he shall deliver to the treasurer of the town when ordered by the council; to keep in a well-bound book (which book shall at all times be open to the inspection of the public, and be properly and conveniently indexed for reference) a true and accurate account of the special tax or assessment hereinafter provided for in section fifteen of this act, giving a description of the lot on which said special tax or assessment has been levied, the name of the owner thereof, and the amount of such special tax or assessment due thereon; and perform such other duties and execute such bonds, with such security, as the council may from time to time prescribe.

2. And be it further enacted by the general assembly of Virginia, That the said act entitled “an act to incorporate the town of Hampton, in Elizabeth City county, Virginia,” be further amended and re-enacted by adding thereto the two following sections, to be known, respectively, as sections fourteen and fifteen, which said sections shall be and become a part of said act as amended by this act, as follows:

§ 14. That in addition to the powers conferred by section ten hundred and thirty-eight of chapter forty-four of the code of Virginia of eighteen hundred and eighty-seven, the council of the town of Hampton shall have power to open, or extend, widen or narrow, graduate, curb and pave the streets, sidewalks and public alleys in said town, and to make such ordinances, by-laws, orders and regulations as it may deem necessary to prevent hogs,

dogs and other animals from running at large in the limits of the town, and may subject the owners thereof to such fines, regulations and taxes as the council may deem proper, and may confiscate and kill said dogs, and sell the other of said animals at public auction, to enforce the payment of said fines and taxes, where said fines and taxes cannot be otherwise collected.

§ 15. That whenever any sidewalk or footway along any street or public alley is curbed and paved, it shall be done at the proper cost and expense of the owner or occupant of the lot along the front or side or sides of which such footway or sidewalk extends; and the said council may levy and collect for that purpose a special tax or assessment on such lot equal in amount to the actual cost of such curbing, which special tax or assessment shall be certified by the council to the treasurer of the town, and shall be a lien on such lot as is provided by law in cases of state taxes on real estate. It may be collected as other taxes on real estate within said town are collected by law, except that the said council shall have power to authorize said special tax or assessments to be paid in such instalments and on such terms as to interest not exceeding six per centum per annum as the council may deem proper; and in every case in which said special tax or assessment is ordered to be paid in instalments, a copy of such order shall be certified to the treasurer of said town. In all cases where a lessee or tenant shall pay the cost and expense of any such curbing or pavement along the front or side or sides of the lot by him occupied, for which lot, by a contract with his lessor or landlord, he shall be bound to pay rent, the amount of any such cost and expense paid by him, or collected from him, or made out of his property, shall be a good and valid set-off against so much of the rent due or accruing to his lessor or landlord as may have been so paid by, collected from, or made out of said tenant or lessee.

3. And be it further enacted by the general assembly of Virginia, That the said act entitled "an act to incorporate the town of Hampton, in Elizabeth City county, Virginia," be further amended and re-enacted so that sections fourteen and fifteen in said act shall be, and become, respectively sections sixteen and seventeen therein.

4. That this act shall be enforced from its passage.

CHAP. 421.—An ACT to authorize the board of supervisors of the county of Carroll to let to contract the public roads of said county, and levy a tax to keep the same in order.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the board of supervisors of

the county of Carroll to take charge of and have kept in order the public roads and bridges in said county; and in order thereto, they shall, as soon as practicable after this act takes effect, proceed to lay off all the public roads in each magisterial district into road precincts, designating them as between given points and numbering the same. Each precinct shall be known as road precinct number —, in — magisterial district.

2. The board of supervisors shall annually levy, along with the county levy, a tax upon the property, real and personal, assessed for taxation in the several magisterial districts of the county, which shall be applied to the working and keeping in order and repairing the public roads and bridges in such districts and the compensation of the supervisors and contractors provided for by law and the provisions of this act. Such tax shall not be less than fifteen cents nor more than twenty-five cents on every one hundred dollars of such property, and the same shall be collected, accounted for, and paid out on the warrant of said board as if it were a county levy, except that the levy for each magisterial district shall be kept separate by the county treasurer; and a different rate of taxation may be prescribed for different districts in said county, and the amount collected in each district shall be expended therein.

3. Said board shall let to contract for the term of two years the roads in the said county, in one or more precincts, as said board may deem most admissible, to the lowest bidder, having first advertised for sealed bids, stating clearly in the advertisement the work to be done on said precinct or precincts of road or bridge therein, in addition to what is specified and required by section nine hundred and eighty-two of the code, such advertisement to be posted at at least three public places in the neighborhood of the work to be done for at least twenty days. But said board shall have the right to reject the lowest bid received, if they shall deem it too high; or if said board shall deem it best, they may receive propositions to do the work after advertising as above directed, without requiring said proposals to be sealed: provided that each supervisor may exercise in his magisterial district all the power given by this section, upon being authorized by the whole board.

4. Should the board of supervisors be unable to let to contract any road or roads on satisfactory terms, they may empower the supervisor of the magisterial district in which such road or roads are situated to have the same worked by the day, week, or month, payable out of the road levy of the district, respectively, in which any such road or roads may be situated.

5. Upon the accepting of any bid by the said board or supervisor having the same in charge, a contract in writing, specifying the precinct or precincts let, the work to be done, and the price to be paid for the same, shall be entered into, signed by the contractor and the chairman of said board or the supervisor having the same in charge; and said contractor shall thereupon, at the next term of the county court, enter into a bond before the judge of said court, payable to the board of supervisors, in a penalty double the amount of his contract, conditioned for the faithful performance of his contract, and with security approved by said court. Every such bond shall be kept by the clerk of the said court among the records of his office as other official bonds are required to be recorded and kept.

6. It shall be the duty of the supervisor of each magisterial district to keep himself informed of the condition of the roads and bridges in his magisterial district, and whenever the supervisors shall deem that a road or bridge in his district has not been kept by the contractor in the condition required by his contract, he shall at once notify the contractor in writing of the fact, and if he does not within ten days from the receipt of the notice put the section or precinct in such repair as his contract calls for, then the supervisor shall have said road worked or bridge repaired according to the terms of the contract; and the cost of such work, including two dollars per day for attending to the same, shall be recoverable on the bond of such contractor, after ten days' notice, before the county court of said county, which court shall have jurisdiction to try said motion; and after having the evidence in support of said motion and against it, if it is found the conditions of said bond has been broken, the court shall give judgment according to the rights of the same, including costs. Such motion shall be in the name of the board of supervisors of Carroll county, and it shall be the duty of the commonwealth's attorney for the county to represent the said board in such court. If any defendant in such motion shall require it, the motion may be tried before a jury, but no pleading in writing shall be required, and the recovery in each case shall go into the road fund of the district wherein the road is located.

7. The contractors shall be paid for work done under their contracts semi-annually, at such times as the board may prescribe, which payment shall be made by warrants of said board upon the treasurer; but payment shall be withheld by said board if, at the time fixed for such payment, said contractor's road is not in order until the supervisor of the district in which the road is located shall report the road to be in the condition required by the contract.

8. At any time three tax-payers from any district may petition the supervisor of such district to view one or more precincts of road in their district, upon the ground the same is not worked according to contract. If said supervisor fail or refuse to view the precinct or precincts complained of, or if his view be adverse to petitioners, upon motion, the county court shall appoint three disinterested viewers, who shall, after being duly sworn, view the precinct or precincts complained of, and make a report at the next term of the court. If their report be against the road, the court shall order the supervisor to proceed according to section six of this act; but if the report of the viewers be favorable to the road, the petitioners shall pay the cost of the viewers, which shall not be more than one dollar per day.

9. Said supervisors shall, in addition to the bond now required of them by law as supervisors, give an additional bond (with security approved by the court) in a penalty of not less than three hundred dollars nor more than one thousand dollars, conditioned for the faithful performance of their duties as supervisors of roads as required by this act.

10. That in case of a road dividing two magisterial districts, the supervisors of the districts so divided shall apportion said road between said districts in such a way as will equally divide the burden of keeping the same in order. If they cannot agree, the county court shall appoint three disinterested freeholders, who, acting under oath, shall apportion said road between said districts, and report the same to the court. For their services they shall receive as compensation one dollar per day.

11. No person in the county of Carroll shall be required to work on its roads without compensation, except such service as may be required under section nine hundred and fifty-two of the code, which section is not affected by this act, but otherwise the entire burden of keeping the roads and bridges in repair shall be paid out of the road funds, as provided in this act.

12. No member of the board of supervisors shall be interested in any contract under this act. Any participation therein by them shall vacate the office of supervisor, and shall render the contract entered into with the contractor null and void.

13. The members of the board of supervisors shall each receive the sum of thirty dollars annually for the additional duties imposed upon them by this act.

14. It shall be the duty of the board of supervisors to direct the clerk of the county court to have prepared and printed for the use of the board of supervisors blank forms and contracts, and notices of lettings, and any other papers necessary to carry out the provisions of this act, the ex-

pense of preparing and printing the same to be audited by the board of supervisors and paid out of the general county levy. The clerk of the county court shall be ex-officio clerk of road board, and shall receive such a sum for his services as the board of supervisors shall deem just, to be paid out of the general county levy.

15. So much of chapter forty-three of the code of Virginia as is in conflict with this act is hereby repealed, so far as it applies to Carroll county, but in every other respect the general road law of the state, as set forth in said chapter, shall continue to be in force in said county of Carroll.

16. This act shall be in force from its passage.

CHAP. 422.—An ACT to amend and re-enact sections 21, 22, 27 and 28 of an act entitled an act to provide for the keeping in order the roads in the county of Appomattox, approved April 6, 1887.

Approved February 29, 1892.

§ 21. Be it enacted by the general assembly of Virginia, That all male persons in the county shall be compelled, under the supervision and direction of the road surveyor of their respective precincts, to work three days in every year upon some public road in their respective precincts, not more than four miles from their place of residence, with the following exceptions, namely: Ministers of the gospel regularly and actually in charge of a congregation, persons under sixteen and over sixty years of age, persons who reside in a town that provides for its own poor and that keeps its streets in order, and any person who has lost an arm or a leg, and any other person otherwise disabled, who may for that cause be exempted by the certificate of the county court or a justices' court of two justices.

§ 22. Every person required to work on public roads shall, either in person or by a sufficient substitute (who shall not be less than sixteen years of age), when notified by the proper surveyor, attend with proper tools and work the road on such days as the surveyor may direct; and the road surveyor shall, as far as possible consistent with his duty under this act, consult the convenience of the hands in his road precinct as to the days on which they shall be summoned to work. For every day upon which there may be a failure seventy-five cents shall be paid to the surveyor within thirty days thereafter by the person in default, if a person of full age, or if he be an infant, by his parent or guardian. If the money be not paid to the surveyor within the time specified, he shall make out a ticket against such delinquent party for the

amount of said fine, with an addition of twenty-five cents for costs, which ticket shall be put by him into the hands of the constable of his district or the sheriff of the county for collection: provided, however, that such delinquent may, after notice to such surveyor, apply to the county court or judge thereof in vacation, and for good cause shown, have said fine released or remitted; and provided further, that such delinquent may, before said tickets goes into the hands of the constable or sheriff, discharge said fine by labor upon his road precinct. The officer having charge of the collection of such fines may distrain therefor in the same manner as for taxes and county levies. He shall account to the surveyor for all fines collected by him, giving to the surveyor eighty cents of each fine collected and retaining in his hands the remaining twenty cents additional fine, together with the legal costs for levying, if such be necessary, and shall return to the clerk of the county court annually at the March term a list of all fines so collected, with the names of the surveyors to whom the said have been paid. Said clerk shall label and file the same in his office.

§ 27. Every road surveyor shall work the roads in his road precinct three times in each year. They shall be worked at least one time before the first day of May. Every road surveyor, in addition to what is required of him in the twenty-third section, shall report to the county court at the June term thereof in each year an exact account, verified on oath, of all moneys received by him by virtue of his office during the past year. Said account shall specify the amount expended by him, and the manner in which the same has been expended, together with the amount of money, if any, remaining in his hands unexpended. He shall apply any balance so remaining to the use of his road precinct in such manner as said court may direct, or turn over the same to his successor in office, who shall in like manner account therefor in the next annual report. It shall be the further duty of said surveyor to embrace in his report the number of days' labor performed by him and his hands on his road precinct during the past year, what alterations, improvements, or repairs he may think should be made during the ensuing year, the probable cost of the same, and any other matter or suggestions in relation to his road precinct which he may deem pertinent or which may be required of him by said court. It shall be the duty of the clerk of said court, after said report has been examined by the judge thereof, to label and file the same in his office.

§ 28. Every surveyor of roads shall be entitled to compensation at the rate of one dollar per day for the time actually employed in summoning hands to work on the roads, which shall be certified by the court to the board of

supervisors, and paid out of the county levy, which time shall be stated in writing and sworn to by the surveyor. Any surveyor of roads (constable or sheriff to whom fines may be given for collection) who shall fail to perform any duty required of him by this act shall, on presentment and conviction thereof, pay a fine of not less than five nor more than thirty dollars.

2. This act shall be in force on and after the first day of July, eighteen hundred and ninety-two.

CHAP. 423.—An ACT to provide for the working and keeping in order the roads in Spotsylvania county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county of Spotsylvania to work and keep in repair highways, roads and bridges, as follows:

2. The board of supervisors in said county shall take charge of and have worked and kept in repair all roads and bridges heretofore or hereafter established, and for this purpose are authorized and empowered to levy a road tax not to exceed in any one year fifteen cents upon the one hundred dollars of assessed taxable values in said county.

3. The judge of the county court of Spotsylvania county, the commonwealth's attorney, and supervisor for each district shall compose a board, to be known as the district board, each district being represented by its own supervisor, in conjunction with said judge and commonwealth's attorney, constituting a board of three members, whose duty it shall be to elect one road commissioner and six (unless in their judgment a less number will do) competent and efficient road overseers for each district in said county.

4. The said road commissioner, after being elected as hereinbefore provided, shall qualify before the board of supervisors by giving a bond in the penalty of five hundred dollars, with good personal security, for the faithful performance of his duties as hereinafter prescribed. It shall be the duty of said road commissioner, as soon as he has qualified, to proceed to lay off the roads of his district into as many divisions as there are overseers, and the divisions into sections, not to exceed five miles each, and number the same and to apportion the hands thereon.

5. The commissioner of roads shall have charge of all the roads in his district. It shall be his duty to see that

all roads in his district are of proper width, and in all cases where said roads are not of proper width, shall notify the party trespassing, by written notice, to remove such obstructions as lessens the legal width of said road; and if the obstruction is not removed after reasonable notice, not to exceed sixty days, he shall direct the overseer to remove such obstruction, and recover from the trespasser the expenses and costs by motion before a justice of the peace. He shall see that all bridges are kept in good order, and where bridges are over streams that divide two districts, the commissioners of the two districts shall act jointly, and bridges or repairs shall be paid for by said districts jointly. The said commissioner shall let and receive all bids or contracts for work to be done in his district. He shall examine the roads and bridges not less than twice during each year. The first examination made each year shall be before the work for the year is commenced (and not later than the first day of April), at which time he shall carefully note in a book he shall keep for the purpose the condition of each section of the roads of his district, and the final examination shall be made when the work for the year shall be completed. He shall report to the board of supervisors in writing whether or not the several road overseers of his district have done the work assigned them as well and as cheaply as possible, and for his services he shall receive twenty dollars per year.

6. As soon as the road overseers shall have been elected and have qualified, giving a bond and security to the board of supervisors for the faithful performance of their duties in a penalty of not less than three hundred dollars, they shall take charge of such division of the roads as the road commissioner shall allot them, and work and keep in good repair the same, and see that all bridges are in safe condition and that the roads are kept free from obstruction, and shall have the custody of all implements purchased by the road commissioner, by order of the supervisors, for use of the roads under their care, and the same shall be accounted for to their successors. Any commissioner or overseer, after having served two years, if his roads are in proper and good repair, may resign by first giving notice to the district board, and may vacate his office when his successor has properly qualified.

7. It shall be the duty of each overseer to notify, by giving twenty-four hours' notice, the hands allotted to the several sections of his road, when and where they shall meet to work said roads, and shall, with any funds appropriated by the board of supervisors, hire hands and do such other necessary work as cannot be done with the labor heretofore provided. Such hired hands shall not work at the same time with the regular road hands as herein re-

quired to work two days in each year. The price to be paid for each hand shall be the customary price paid for other hands in the district where the work is done. The overseer shall superintend all laborers and direct their work, counting ten hours for one day's service. He shall, on or before the first day of December, make an itemized report to the board of supervisors of all the work done on the roads under his care and the money expended on the same (each section separately), the number of hands in his division, the number who responded and worked the required two days, the number who failed to do so, the number and amount of fines collected by the overseer the number and amount of fines given to a proper collecting officer for collection, and whether or not the said officer has complied with the law. The said report shall be submitted to the road commissioner of the district at least ten days before the December meeting of the board of supervisors, and the said road commissioner shall carefully examine the said report and report to the board of supervisors whether or not it be correct.

8. Each overseer shall be paid one dollar per day for each day of service actually rendered (but he shall not be paid but for one day's service in summoning hands on any one section of his road), and for a failure to comply with any of the requirements of this act, or a failure to keep the roads in as good condition as the means at his command will enable him to do, he shall pay a fine of not less than ten nor more than fifty dollars; such fine to be expended on the roads in his care.

9. All male persons between the ages of sixteen and sixty years shall be liable to road service, and, upon being notified by the overseer, attend either in person or by sufficient substitute, and work the roads in such manner and on such days as the overseer may direct, not to exceed two days in any one year: provided, however, that ministers of the gospel (who have charge of a church and a congregation), and persons who have lost a leg or an arm, and persons living in an incorporated town that provides for its poor and keeps its streets in order, and such other persons as the district board shall exempt. For every day there shall be a failure to answer such notice from the overseer, seventy-five cents shall be paid to the overseer within twenty days thereafter by the person in default, if a person of full age, and if a minor by his parent or guardian. If the money is not paid in the time specified, the overseer shall make out a ticket against the delinquent party or persons liable to pay said fine, and said tickets, when placed in the hands of the constable of his district, or sheriff of the county, shall have the force of an execution. The officer shall proceed as in the collection of taxes and county levies. Such officer shall

have a fee of twenty-five cents, to be paid at the same time by the party in addition to the fine. Such officer shall pay over to the overseer all fines collected within thirty days after they come into his hands, or return the accounts as insolvent when they cannot be collected by levy. If the officer shall fail to make payment or return the claim as insolvent in sixty days from the date he received it, he and his sureties on his official bond shall be liable for such ticket or tickets, whether collected by him or not, to be recovered by the overseer by a motion before a justice of the peace.

10. All levies made and collected under this act shall be collected and accounted for by the county treasurer as other levies, and shall be paid out by order of the board of supervisors.

11. The board of supervisors shall keep a book, to be known as the road book, in which shall be kept an account of the road tax levied in each district, and the amount collected thereof, and how apportioned on the roads, and shall apportion to each district all the funds collected from that district as a road tax, out of which shall be paid the commissioner, the road overseer, and the purchase price of all tools and implements, wages to hands, material, etcetera: provided that when new bridges are to be built or new roads opened, an appropriation not to exceed twenty per centum of the entire road tax collected may be expended therefor. The said board shall, not later than the first day of May in each year, apportion the road fund of the several districts to the roads, naming the amount to be expended upon each section, giving to the roads most in use the largest sums of money. Notice shall be given the road commissioners and overseers at which meeting such apportion will be made, and they shall attend the same and give the board the benefit of their knowledge in performing said duty.

12. Every petition for a new road, or to lay out, alter, or change a public road, must be first presented to the road commissioner of such district as the road may be in, who shall endorse thereon his approval or disapproval, and his reasons therefor, which petition shall then be laid before the district board. Said board shall then elect three discreet and competent citizens, who shall accompany the county surveyor and view and make a full report concerning such petition to the said board, which board shall order or reject said road, or change the said road, as in their judgment is best for the public good. No public road shall be less than thirty feet wide.

13. The general road law of the state, except so far as the same is in conflict with the act, shall be in force in Spotsylvania county, and an act entitled "an act to provide for the working and keeping in order the roads in the

county of Spotsylvania," approved March third, eighteen hundred and ninety, is hereby repealed.

14. This act shall take effect from its passage.

CHAP. 424 — An ACT to amend and re-enact an act to incorporate the town of Dayton, approved March 9th, 1880, and all acts amendatory thereof.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the act approved March ninth, eighteen hundred and eighty, entitled an act to incorporate the town of Dayton, in Rockingham county, and all acts amendatory thereof, since passed, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of the state of Virginia, That the municipal authorities of the town of Dayton, in the county of Rockingham, shall have power to extend the corporate limits of said town from the present exterior boundaries thereof to the following described boundaries: Beginning at the northwest corner of the Dayton cemetery; thence to the southwest corner of J. N. Frie's mill-dam; thence with the water's edge to S. Burtner's corner at breast of mill-dam; thence with Burtner's line and Frie's mill-race to a corner on north side of Light street; thence with north side of said street to a corner on east side of Warm Springs turnpike; thence with east side of said turnpike to the middle of Cook's creek; thence with middle of said creek to the crossing of the narrow-gauge railroad bed; thence with said railroad bed to the south side of South street; thence with south side of said street to east side of Warm Springs turnpike; thence with east side of said turnpike to crossing of narrow-gauge railroad bed; thence with said railroad bed fifteen poles west to a corner; thence northwest to J. W. Garber's southwest corner; thence north to Hedrick and Burtner's corner in Bowman's line; thence north to the beginning, if sanctioned by a majority of the qualified voters residing within the limits of the part of said boundaries proposed to be included in said extension; and that the same, as it has been heretofore and may hereafter be laid off into lots, streets and alleys, be, and the same is hereby, made a town corporate by the name of Dayton, and by that name shall have and exercise all the powers conferred by the ——— chapter of the code of Virginia, eighteen hundred and ———, so far as the same may be applicable to the government of towns of less than five thousand inhabitants, and not inconsistent with the provisions of this act.

§ 2. The government of said town shall be vested in a mayor and seven councilmen, who shall be residents and freeholders in said town, to be chosen annually by ballot on the fourth Thursday in May of each year. Any person entitled to vote in Rockingham county, and residing within the corporate limits of the town of Dayton six months, shall be entitled to vote at all elections under said act of incorporation. The mayor shall appoint two members of the council, who, with the clerk of the council, shall hold said election between the hours of one in the afternoon and sunset, and they shall decide any contest with reference to the right to vote of any individual, and shall count the ballots. In case it is impossible to decide the seven who have the highest number of votes, by reason of a tie, the said clerk shall decide in the presence of the two councilmen aforesaid by lot. Said clerk shall immediately thereafter make out and deliver to each one of the councilmen elected a certificate of his election.

§ 3. Said councilmen shall meet in the first week of July following, the mayor to be their president; said officers shall hold their respective offices for one year, or until their successors are elected and qualified. Said officers shall qualify by taking the oath of office before the clerk or other person authorized to administer oaths; they may be removed from office by a unanimous vote of the council for good cause. All the officers of the corporation shall serve without compensation, except as hereinafter provided. Said council shall appoint its own time of meeting. Five members shall constitute a quorum, and any vacancy among any of the officers of the corporation shall be filled by said council.

§ 4. In addition to the above-named officers, the said council shall, from the qualified voters, elect a clerk and town sergeant. The sergeant, before he enters upon the duties of his office, shall execute his bond with security to be approved by the council in a sum double the amount of the revenue of the said town the preceding year, and conditioned for the faithful discharge of the duties of his office. The sergeant shall collect the taxes voted by the council, for which he shall be allowed a certain rate per centum for collecting and paying out the same, the rate to be fixed by the council. He shall have the like powers of a constable of said county, to pursue and arrest anywhere in said county of Rockingham all offenders for offences committed within the last aforementioned corporate limits, and to convey any one so ordered to be committed to the county jail, there to be dealt with as if committed by a warrant of a justice of the peace, and receive the same fees. For his services as overseer of roads and streets he shall be entitled to the same compensation allowed by law to overseers of roads. The clerk shall keep a correct record of

all the proceedings of the council; shall provide the books and stationery therefor; make out the certificates of election; make out a list of property to be assessed, real and personal, within the limits of the corporation, and assess the same according to the best information obtained by him, and shall issue tickets for taxes voted by the council, which tickets he shall deliver to the sergeant, when ordered by the council, and shall have power to issue the oaths of office to any of the town officers; and for said services he shall be allowed annually a certain sum to be named by the council, not to exceed fifty dollars. The oath of office shall be administered to the town sergeant and clerk before entering upon their duties.

§ 5. The mayor shall be the presiding officer of the council, and shall have power to suspend any officer of said corporation for neglected duty or disorderly behavior. He shall have no vote except in the case of a tie. He shall have authority and be vested with all the powers of a justice of the peace within the precincts of said town, and for one mile around the corporate limits thereof, and shall have like powers with a justice of the peace to commit any person charged with an offence before him to the county jail, or let to bail on recognizance to appear before the county court. His fees shall be the same as a justice of the peace.

§ 6. The council shall have power to remove all officers, and may fine members of their own body for disorderly behavior, and, with the concurrence of two-thirds, expel a member. The council of said town shall have all the general powers vested in it by the laws of the state; and it shall also have power to mark accurately the bounds of existing streets, and compel the removal of obstructions therefrom; to close or extend, widen or narrow, lay out and graduate, pave and otherwise improve streets and public alleys in the town; and for these purposes, upon first paying a just compensation therefor, it may take such private property as may be necessary; and no order shall be made and no injunction shall be awarded by any court or judge to stay the proceedings of the town in the prosecution of such works, unless it be manifest that the interposition of a court is necessary to prevent injury that cannot be repaired in damages. The method of ascertaining what will be a just compensation for private property thus taken, shall be as follows: After reasonable notice in writing by the clerk of the council to the owner of the freehold whose property is proposed to be taken, or to his tenant or agent, the mayor of the town shall, at the time and place mentioned in said notice, proceed to appoint two freeholders of the town as commissioners, one of whom may be nominated by the owner of the freehold, or by his tenant or agent, if either be present, whose duty it shall

be to view the property proposed to be taken, and ascertain what will be a just compensation therefor, and the damage to the residue of such owner's property beyond the peculiar benefits to be derived in respect to such residue from the work to be done. The said commissioners, if they cannot agree, may select a third freeholder as commissioner to act with them, and shall, as soon as possible, report their proceedings to the council. When such report has been returned, the council may, by a vote of a majority of its members, either reject or accept said report. If the report be rejected, the council may refer the matter to another commission, appointed in the same way and for the same purpose as the first. If the report be confirmed, the amount ascertained by it to be a just compensation for the property shall be paid to those entitled thereto, before work shall be begun on or through said property.

§ 7. Whenever new street shall be laid out, graded or paved, a culvert built or any other public improvement whatever made, the town council may determine what portion, if any, of the expense thereof should be paid from corporation funds, and what portion by the owners of real estate benefited thereby, or may order and direct that the whole expense be assessed upon the owners of real estate benefited thereby; but no such public improvement shall be made, to be defrayed in whole or in part, by a local assessment, until first requested by a petition and signed by at least a majority of the owners of property to be assessed for such improvements, or unless two-thirds of all the council shall concur in voting any improvement to be expedient, or in determining to make the same after allegations have been heard, in which case no petition or request shall be necessary. The council shall have the same powers to collect such local assessments as are vested in them for the collection of other taxes.

§ 8. The said council shall have the power to provide against and prevent accidents by fire; to regulate and establish markets; to prevent the running at large of hogs, dogs, horses, cows, or other animals; to prevent the cumbering of streets, sidewalks, and alleys, in any manner whatever; to make sanitary regulations in reference to contagious or other diseases; to regulate the building of all the houses, stables, privies, hog-pens and slaughter-houses; to abate nuisances at the expense of those who cause them; to appoint police, and prescribe their duties and compensation; and to make, pass and ordain such laws as they may deem necessary and proper for the internal and general good, safety, health and convenience of the said town and inhabitants thereof, and for enforcing the provisions of this charter. They shall punish all violations of law by fine or imprisonment, or both, in the discretion of the mayor, subject to the general laws of this state.

The authorities of the said town shall have the use of the county jail of Rockingham county for the safe-keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town. Whenever judgment shall be rendered against any person for fines, and there be no visible effects which the sergeant may distrain and sell therefor, the person so in default may be compelled to work out such fine on the public streets or other improvements, and to suffer in addition such terms of imprisonment as may be prescribed by ordinances of said town.

§ 9. The corporate limits of said town are hereby created and declared to be separate and distinct road district of Rockingham county, and no road tax shall be levied on any property within said limits, except by the council of Dayton, which tax shall be expended within the limits of the corporation on the streets and roads therein by the sergeant of the town under the supervision and directions of the town council. The jurisdiction of the corporate authorities of said town shall extend one mile beyond the limits thereof for imposing and collecting a license tax upon all shows, performances and exhibitions which may take place anywhere within said extended boundaries; and they shall also have the power of imposing a license tax upon bowling, billiard and bagatelle saloons, or on any similar game or play recognized and taxed by the laws of the state anywhere within the said extended boundaries; and all money received for license tax, and also for all fines accruing from a violation of the ordinances of the said town, and that may result from the prosecution of any misdemeanors covered by said ordinances within and for one mile beyond the corporate limits thereof, shall be paid into the treasury of the said town, and be appropriated to the expenses of the corporation as the council may direct.

§ 10. The council shall have power to levy such taxes as it may deem necessary for the purpose of the corporation: provided that no tax upon the real and personal property in said town shall exceed fifty cents on the one hundred dollars assessed value thereof, and provided, also, that no such tax shall be levied upon the lands, stock of any kind, utensils, or instruments within the limits of said corporation which are used strictly for farming purposes; but this proviso is not intended to apply to milch cows, horses, and other animals in domestic use, nor in lands when laid off and sold as town lots.

§ 11. Any person applying to the county court of Rockingham for license to sell liquors of any kind, either as the keeper of a bar-room, wholesale or liquor dealer within the corporate limits of said town of Dayton, Rockingham county, or within one mile of the limits of said

corporation, shall produce before the court of said county a certificate of the council of said town, signed by each member of the council, to the effect that the applicant is a suitable person, and that no good reason is known to said council why said license should not be granted; and the courts having jurisdiction shall not grant any license to sell liquors within the limits above prescribed until and unless such certificates be given.

§ 12. All disbursements from the treasury shall be made by order of the council, and all orders for the payment of moneys shall be signed by the clerk and countersigned by the mayor. These orders, when paid, shall be kept on file by the sergeant as vouchers for the payment of same.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 425.—An ACT to incorporate Lee district, in the county of Henrico.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the territory in the county of Henrico bounded on the north by Grove avenue, on the west of the boulevard and the property of the city of Richmond known as "Reservoir Park," on the south by Ashland street, and on the east by the corporate limits of the city of Richmond, is hereby incorporated and constituted a body politic by the name of "Lee district." The purpose of erecting this district is to enable the property-owners therein to raise funds by special tax or by issue of bonds to improve streets or roads, to provide for drainage, and other local improvements. It remains a part of the county and magisterial district to which it now belongs, and is subject in all respects to the county government, except in so far as may be hereinafter provided.

2. The board of supervisors of Henrico county shall annually levy upon the real and personal property in the said district, at the time of making the county levy, a tax of not more than twenty-five cents on the hundred dollars, for the purpose of providing a sinking fund and interest on the bonds hereinafter mentioned, and for the use of streets, roads, and local improvements in the said district, which shall be collected as other county taxes are collected. The fund so collected shall be kept separate by the county treasurer from all taxes collected by him, and shall be paid out only as provided for in this act. In addition to

the said tax, the board of supervisors shall annually set apart out of the county levy a sum equal to ten cents on the hundred dollars of the assessed valuation of property in the said district, also all district school taxes which shall be levied or assessed upon property in the said district, which fund shall be kept separate by the county treasurer from the other county funds.

3. There shall be five commissioners for the said district, who shall hold office for four years, and shall be appointed by the board of supervisors, subject to the approval of the judge of the county court of Henrico. The first appointment of said commissioners shall be made within sixty days after this bill becomes a law, and the commissioners so appointed shall hold office until the thirty-first day of December, eighteen hundred and ninety-six, or until their successors are appointed and qualified. Their successors shall be appointed at the December meeting of the board of supervisors, in eighteen hundred and ninety-six, and every fourth year thereafter. In making such appointments the board shall designate which of them shall be chairman. The commissioners shall be residents and qualified voters within said district, and shall give bond in the sum of five thousand dollars each, with securities to be approved by the said judge, conditioned for the faithful performance of the duties of their office. The said commissioners shall decide upon all questions concerning the opening and improvement of streets, roads, and so forth, within the district, and shall cause such openings and improvements to be made. They shall meet whenever called together by the chairman; they shall appoint an overseer of roads for the district, who shall superintend the construction of roads, streets, and culverts and all improvements thereof. His salary shall be fixed by the commissioners. All accounts and expenses incurred by the said commissioners shall be paid by checks on the bank in which the district funds are kept, signed by the chairman and secretary of the commission. The said commissioners shall determine the amount of the special tax to be levied each year, and shall notify the board of supervisors, who shall levy the same.

4. The commissioners of the revenue for the upper district of Henrico county shall annually extend on his books the amount of the special tax imposed under section two of this act, and it shall be the duty of the treasurer of the county to collect said tax at the same time and in the same manner as other county taxes are collected, and all liens and remedies now existing for the collection of other taxes delinquent shall be in force and operation as to the special tax imposed by this act.

5. Whenever the owners of a majority of the numbers of front feet upon any square shall desire the street to be graded and improved by the making of a road bed, guttering, curbing and paving, they may make application to the said commissioners, who may, if they approve of such application, order such improvement to be made. Whenever such improvement shall have been made, the said commissioners shall apportion one-half the cost thereof amongst the owners of property upon each side of the street improved according to the number of front feet owned by each proprietor, and shall certify to the county treasurer the amount assessed against each lot per front foot, giving the name of each owner and the number of feet owned by him. The county treasurer shall enter in a well-bound book, made for the purpose, the name of each owner, the number of front feet owned by him, and the amount assessed against him as his share of the cost of such improvement. The said amounts shall be a lien upon the lots against which they are assessed, and shall be collected by the treasurer as other county taxes are collected.

6. The treasurer of the county shall deposit in some bank, to be designated by the said commissioners, to the credit of the commissioners of Lee district, all taxes collected by him under this act; also in each year a sum equal to the amount of the district school tax annually levied upon the property within the boundaries of Lee district, and an amount equal to ten cents on the hundred dollars of the assessed value of real estate in the said district in lieu of road tax.

7. In order that the said commissioners may be enabled to provide funds for the payment of expenditures authorized under section five of this act, and for school houses, drainage, water supplies and lighting the said district; also for improving streets at their intersection, the cost of which shall be borne out of the general fund, they are hereby authorized to issue bonds, bearing not more than six per cent. per annum interest, and to establish a sinking fund for their redemption. But they shall not issue more than twenty thousand dollars of such bonds in any one year, and shall not issue more in the aggregate than the special tax, of not more than twenty-five cents on the hundred dollars, authorized by section two, will suffice to pay interest on and the sum annually required for the sinking fund.

8. The said commissioners may extend culverts, sewers or water pipes across any road in or adjacent to said district, and by the best route through the lands outside of Lee district, and for this purpose they may contract and agree with the owners of any land for this use, or may have the same condemned for such purposes in the same

manner as the county is authorized to condemn lands for public uses.

9. The judge of the county court of Henrico shall submit to the qualified voters of said district at such time as he may deem best the question of adoption or rejection of this law. The officers conducting the said election shall be the regular election officers of said district, and shall receive the ballots cast in such election, which ballots shall be respectively as follows: "The Lee district bill"; "Against the Lee district bill."

10. The manner of receiving and canvassing the ballots cast at said election for or against said law, and making abstracts and returns of the result thereof, shall conform in all respects to the regulations prescribed by the general election laws of the state.

11. The persons conducting said election at Shumaker's precinct in said district shall certify the number of votes cast for the law and the number of votes cast against the law to the clerk of the county court of the aforesaid county; and if it shall appear from the return and abstracts of votes so returned that a majority of the qualified voters voting are in favor of the law, the clerk shall certify the same to the county court at the next succeeding terms after its adoption; it shall be the duty of the judge of said court to declare the said law in force.

12. This law shall be in force thirty days from the time it is declared by the judge of the county court to have been adopted by the votes of said district.

CHAP. 426.—An ACT to authorize the United States government to acquire title to and jurisdiction of a tract of land in the county of Fairfax, at Sheridan's Point, on the Potomac river, for a site for fortifications and coast defences.

Approved February 29, 1892.

Whereas it has been represented to the general assembly of Virginia that the United States desires to acquire title to a tract of land at Sheridan's Point, on the Potomac river, in the county of Fairfax, embracing three hundred acres of land, more or less, for the purpose of locating, constructing and prosecuting works for fortifications and coast defences; therefore,

1. Be it enacted by the general assembly of Virginia, That the consent of this commonwealth be, and is hereby, given to the acquisition of said title, and when the same shall have been acquired jurisdiction is hereby ceded over the said tract of land to the government of the United States, so that congress and the authorities of the federal

government shall have all lawful power and control over the same, as is specified in the seventeenth clause of eighth section of the first article of the constitution of the United States.

2. This state retains jurisdiction over the said tract of land in all matters relating to the violation of the laws of the state, to the execution and service of all processes issued by or from the court, magistrates or other officers of the state in pursuance of law, and in all other matters not incompatible with the consent herein given and the rightful authority of the United States to be acquired under this act.

3. The said land and privileges hereby ceded, and the fortifications, buildings and structures which may be erected thereon by the United States government are hereby exempted from all taxation so long as the same shall be held and used by the United States for the purposes hereinbefore mentioned, and no longer: provided that if within the area herein mentioned any business or calling for which a license-tax is required by the state of Virginia is followed or pursued, the same shall be liable to such license taxation: and provided further, that if any building be erected within such area for purposes disconnected from and not necessary to the purposes of this act, such buildings and all personal property contained or used in or in connection with such buildings shall be subject to taxation by the state of Virginia and the county of Fairfax in like manner, and at the same rate as other property in said county may be taxed.

4. Should the property herein granted be used for any other purposes than those specified herein by the United States government, or under its authority, then the same shall be subject to taxation as other property in this state.

5. This act shall be in force from its passage.

CHAP. 427.—An ACT to incorporate the Norfolk and Lynnhaven railroad and terminal company.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That William Lamb, R. H. Wright, William Lauder, N. M. Osborne, Frank L. Slade, D. J. Turner and their associates, successors and assigns, be, and they are hereby, declared to be a body corporate and politic by the name of the Norfolk and Lynnhaven railroad and terminal company, and by that name and style are hereby invested with all the rights, powers and privileges conferred, and made

subject to all the rules, regulations and restrictions imposed by the code of Virginia, and all general laws applicable to such corporations as are not inconsistent with the provisions of this act.

2. The capital stock of said company shall not be less than five thousand dollars, but the company shall have the privilege of increasing the same from time to time to an amount not exceeding five hundred thousand dollars, and shall have power to issue stock to the amount of the capital and issue bonds, to be secured by deed or deeds of trust upon all the property, franchises and improvements of the company, including the tracks and rolling stock, if at any time it shall see fit to do so. The said stock to be divided into shares of one hundred dollars each, and at all meetings of the stockholders each share be entitled to one vote, which may be given by the holders thereof or by proxy. When one hundred shares shall have been subscribed under the direction of any three of the corporators hereinbefore named, the subscribers shall assemble in Norfolk upon the call of the corporators, or a majority of the same, to organize the company under this act; to elect a president and board of directors, whose term of office shall be one year. Subsequent elections of president shall be made by the board of directors, and of the board of directors by the stockholders.

3. The board of directors shall fix the salary of the president and all officers of the company, and the maximum amount of stock to be subscribed for by any person. All other officers not herein otherwise provided for shall be elected by the directors.

4. The said company is hereby authorized to construct and operate a railroad from the city of Norfolk to any point or points between Little creek inlet and Lynnhaven inlet on the bay shore, in the county of Princess Anne, state of Virginia, and from thence, if it shall so desire, to Cape Henry in said county. It shall have power in its corporate capacity to buy or acquire land in Princess Anne county, on or near the Chesapeake bay and Atlantic ocean, not to exceed five thousand acres, and to improve the same by erecting upon it hotels, and making such other improvements as are usual at seaside resorts, and to sell or lease lots to persons who may desire to build cottages or other buildings upon them, and to erect cottages and other buildings, or to lease or rent to other persons who may be willing to lease or rent the same.

5. The said company is hereby authorized to construct and operate lateral branches not to exceed twenty miles in length, and to cross any creek or stream between the city of Norfolk and the Atlantic ocean: provided the navigation of the same is not interfered with.

6. It shall be lawful for said company to consolidate with any other railroad company heretofore incorporated or hereafter to be incorporated in or out of the state of Virginia, whose line of road connects or will connect either physically or by ferry, with the railroad hereby authorized to be constructed; and it shall be lawful for the company hereby incorporated to lease or sell its works, property, and franchises to any other such company, and it shall be lawful for said company to lease or purchase the works, property, and franchises of any other railroad company heretofore incorporated or hereafter to be incorporated in or out of the state of Virginia, whose line of railroad connects or will connect either physically or by ferry, with the railroad hereby authorized to be constructed; and any railroad company heretofore incorporated or hereafter to be incorporated in the state of Virginia, is hereby authorized to consolidate with the said Norfolk and Lynnhaven railroad and terminal company, or to sell, or lease its works, property, and franchises to said Norfolk and Lynnhaven railroad and terminal company, or to purchase, or lease the works, property, and franchises of the said Norfolk and Lynnhaven railroad and terminal company: provided that no consolidation of the corporation hereby created, with any corporation chartered by another state, or any lease or sale thereof, shall operate to prevent such consolidated company from being a corporation of this state, or in any manner to impair the jurisdiction of the courts of this state in respect of the property and franchises so leased or purchased.

7. The said company is also authorized to construct, at or near Lynnhaven inlet, wharves, docks, warehouses, elevators, and so forth, suitable for the accommodation of steamships and vessels, and for the convenience of shipping, transporting and storing all kinds of merchandise and property, and the company may conduct a general dock, wharf, warehouse, steamship and lighterage business. It may transport passengers and freight, and may construct, purchase, or hire steamships and other means of transportation requisite for its business. It may receive on storage all kinds of merchandise, and may charge and collect compensation for storage, wharfage and lighterage, and for all labor incident thereto, at such rates and upon such terms as may be agreed upon between it and its customers; and for any advances made by it on merchandise and for all its charges, the company shall have a preferred lien on such merchandise. And it shall be lawful for corporations or persons to enter into contracts with the Norfolk and Lynnhaven railroad and terminal company for the use, hire, operation, or lease from said company of its wharves, docks, elevators, vessels, railways, sidings and other terminal facilities, or any part or parts thereof upon

such terms as may be agreed upon. And it shall be lawful for said Norfolk and Lynnhaven railroad and terminal company to arrange with any railroad entering the cities of Norfolk and Portsmouth, or having a terminus in Norfolk county, for the use of any of their terminal facilities, or any part or parts thereof, upon such terms as may be agreed upon..

8. To furnish a basis for raising capital, it shall be lawful for said company or its successor to receive grants and subscriptions in land at a fair valuation, and materials upon such terms as may be agreed upon with the board of directors, and it may exchange its stock or bonds therefor, and may hold or sell the same at pleasure.

9. The said company by the acceptance of this charter hereby agrees to pay all taxes, dues, and demands due the state, that may be hereafter assessed against it, in lawful money of the United States, and not in coupons.

10. The road shall be commenced within two years, and be completed within five years from the passage of this act.

11. This act shall be in force from its passage.

CHAP. 428.—An ACT to allow H. N. Price to erect a wharf on James river.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That H. N. Price be, and is hereby, authorized to erect at Chipoax bay, on the south side of James river, near the mouth of lower Chipoax creek, a wharf, and be subject to all the laws of Virginia governing all wharves erected in the waters of the commonwealth.

2. This act shall be in force from its passage.

CHAP. 429.—An ACT to incorporate the Riverview cemetery company.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That George Chewning, P. V. D. Conway, David Hirsh, John Griffin, T. McCracken, J. B. Ficklin, M. B. Rowe, L. W. White, H. Von Schon, W. S. White, A. B. Botts, and such other persons as they may associate with them and they may subscribe to the capital stock of the company

be, and they are hereby, constituted a body corporate and politic, to be known as the Riverview cemetery company, by which name it shall have perpetual succession and a common seal; may be sued and sue, plead and be impleaded, contract and be contracted with.

2. The capital stock of the said company shall not be less than two thousand dollars nor more than ten thousand dollars, divided into shares of twenty-five dollars each, which shall be paid in cash or instalments, as the by-laws may require; and the personal liability of each and every stockholder for the debts of the company shall be limited to the amount unpaid on the shares of stock subscribed for by such stockholders. All certificates of stock shall be under the seal of the company and signed by the president and countersigned by the secretary. Shares of stock shall be deemed personal property. Each stockholder shall have one vote, in person or proxy, in the election of directors and officers and at all the meetings of the stockholders for each share of stock held by him.

3. The said Riverview cemetery shall have the power and authority to acquire, by purchase or otherwise, and hold a piece or parcel of land, not to exceed twenty acres, near and convenient to the city of Fredericksburg, to be appropriated and used for a burying-ground and cemetery, and for that purpose may lay off the same into lots and subdivisions of lots suitable for graves and vaults, and may improve or ornament the same with roads, walks and drives; and the land thus acquired, laid out and improved and ornamented shall be held by the said company for the purpose of a cemetery as aforesaid, and for no other purpose.

4. The said Riverview cemetery company may sell and convey any of the lots or subdivisions in the said cemetery for burial purposes on such conditions as they may prescribe in their by-laws, and the lots thus conveyed shall be held for burial purposes only, and shall not be sold or conveyed by the owner out of his family after any interments have been made therein; and they shall not be at any time sold or subject to sale by any order of court, nor shall they at any time be sold to or owned or used by any person except he be a white person.

5. The officers of the said Riverview cemetery company shall be a president, treasurer, secretary and a board of five directors, who shall be elected at the general and annual meeting of the stockholders.

6. A survey and plat showing the walks and roads and the number, size and location of lots of the grounds of the cemetery shall be made, and a copy thereof may be filed and recorded in the clerk's office of the county court of the county of Spotsylvania. And no street, lane, road or alley shall be made over the land of the said company

without its consent, nor shall the said land be condemned or taken for public use without the consent of the company.

7. The said company, or any owner of any lot, may dig a vault in his lot, or adorn it by a monument or tombstones, or shrubbery or flowers, which are not by their branches or roots, or otherwise, detrimental to the adjacent lots or ornaments, or are not unsightly and inconvenient to visitors; and if they are, in the judgment of the board of directors, detrimental or unsightly or inconvenient, then the board of directors may order their removal, either specially or by such general laws as they may adopt; and if they are not removed in the time specified, then the board of directors may order and cause them to be removed at the cost and charge of the party or parties that own the lot, and may collect the same by warrant or action, according to the amount.

8. No interest of a lot-holder in the property of said company shall be in any way subject to the payment of debts, pass by insolvency or into the hands of executors or administrators, or be liable for taxes of any description, but the rights and interests shall remain in the families of each according to the course of descent.

9. The justice of the peace of the county of Spotsylvania and the county court of said county shall have jurisdiction over all offences against the laws of this state committed upon the property and within the grounds of the cemetery of said company, and all the ordinances of the city of Fredericksburg relating to matters of police shall extend over the said grounds, and for such purposes the said grounds shall be considered within the limits of the city of Fredericksburg, and the mayor of said town shall have jurisdiction of all violations of said ordinances.

10. The said company shall be subject to all the general laws of this state relating to corporations not inconsistent with this act.

11. The persons named in the first section of this act, or any two or more of them, may open books for subscription to the capital stock of said company, and when two thousand dollars of the capital stock shall have been subscribed, may organize said company by the election of the officers and board of directors provided for by this act.

12. All taxes due or to become due the commonwealth by this company shall be paid in lawful money of the United States, and not in coupons.

13. This act shall be in force from its passage.

CHAP. 430.—An ACT to incorporate the Hanover Troop Association, C. V.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That D. A. Timberlake, T. W. Sydnor, T. F. Taylor, S. D. Anderson, H. S. Anderson, B. B. Bowe, John S. Blanton, R. F. Blanton, W. J. Binford, J. S. Benson, J. B. Brown, A. W. Brock, J. A. Brown, B. W. Bowe, J. C. Bullock, Thomas Butler, J. W. Bowe, W. F. Blunt, J. H. Blunt, S. M. Baker, J. C. Cooke, J. McP. Cooke, William E. Carter, G. W. Cosby, J. A. Chisholm, J. J. Crutchfield, E. A. Catlin, G. H. Clarke, T. E. Crenshaw, C. H. Day, J. L. Deitrick, T. B. Dunn, C. T. Dyson, Thomas M. Deitrick, Lee Ellis, W. H. Ellett, A. R. Ellerson, T. H. Ellett, Peter J. Fountain, J. L. Green, M. M. Green, J. C. Gilman, T. E. Gilman, J. R. Gilman, J. F. Grubbs, Eli Harris, James Harris, Walter Harris, C. H. Jenkins, A. C. Jones, George W. King, Cyrus Keister, J. E. Leidbetter, Peter H. Leidbetter, W. Q. Lawrence, J. R. Lawrence, George R. Linsey, W. C. Linsey, B. Little, P. P. May, Henry Meredith, M. M. Middlebrook, W. F. Nash, A. S. Nash, J. K. Nuckols, R. J. Nuckols, E. G. Nuckols, H. K. Nuckols, P. H. Nuckols, J. A. Nuckols, Thomas Nuckols, James R. Norment, Eugene Payne, R. L. Priddy, E. M. Redd, T. T. Saudler, J. T. Stanley, A. C. Stone, G. B. Sydnor, John L. Sydnor, C. Taylor, J. H. Timberlake, T. J. Taliaferro, C. A. Taylor, John D. Terrell, John L. Talley, R. A. Thornton, W. J. Toter, J. J. Terry, Abe Taylor, J. M. Teter, L. B. Vaughan, George D. Vaughan, E. F. Wright, D. F. Waldrop, M. A. Waldrop, W. L. Wingfield, P. W. Wingfield, S. A. Wingfield, C. R. Wingfield, E. P. Winston, Thomas P. White, Alexander Wingfield, J. B. Yarborough, W. G. Poindexter, W. A. Poindexter, and their survivors, and such others as they may associate with them, be, and they are hereby, constituted a body politic and corporate under the name and style of the Hanover troop association, C. V., and by that name and style shall have perpetual succession, may sue and be sued, contract and be contracted with, plead and be impleaded, and may frame such constitution and by-laws for the government of their association as may not be inconsistent with the law.

2. The officers of the first year shall be C. A. Taylor, president; T. W. Sydnor, first vice-president; T. F. Taylor, second vice-president; W. A. Wingfield, third vice-president; J. C. Cooke, secretary, and J. A. Brown, assistant secretary.

3. The objects of such association are to preserve the history of the Hanover troop of cavalry, to perpetuate the memory of their fallen comrades, and to unite its

members for the purposes of friendly and social intercourse.

4. It shall be lawful for such association to raise by individual subscriptions or contributions, such sums of money as may be necessary for its purposes, and to acquire and hold a lot or parcel of land not to exceed fifty acres in the county of Hanover, and improve the same for the purposes of the association.

5. This act shall be in force from its passage.

CHAP. 431.—An ACT to amend and re-enact section 4 of an act entitled "an act to incorporate the town of Courtland, in Southampton county," approved January 27th, 1888.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section four of an act entitled "an act to incorporate the town of Courtland, Southampton county," approved January twenty-seventh, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 4. The said council shall have power to pass all by-laws and ordinances for the proper government of said town, not in conflict with the constitution and laws of the state and the constitution and laws of the United States. They shall have power to impose a license-tax upon all business on which the state imposes license, or which is provided by law, and its officers shall have such power to collect the same as a state or county officer would have in like case, and to impose a specific tax for the sale of any merchandise that may be offered for sale by any person not living in said town, and to levy annually such taxes as it may deem necessary for the purposes of the corporation, which shall not exceed twenty cents on the one hundred dollars valuation of property as per state assessment: and provided also, that no corporation tax shall be levied upon the machinery, implements, money and capital of any manufacturing establishment that may be located in the limits of the said town for five years from the passage of this act. The said town shall have the right to purchase and hold such real estate as it may deem necessary for street purposes or for the erection of public buildings. The council shall have the right to sell any land that the town may own, or to exchange any alley or street in said town for a like quantity of land owned by any individual.

2. This act shall be in force from its passage.

CHAP. 432.—An ACT authorizing the board of supervisors of Amherst county to increase the salary of the judge of said county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of Amherst county, in their discretion, to increase the salary of the county judge of said county to a sum not exceeding six hundred dollars per annum.

2. This act shall be in force from its passage.

CHAP. 433.—An ACT to amend and re-enact section 2 of an act to incorporate the town of Gladeville, in Wise county, approved February 24, 1874, as the same was amended by an act approved March 8, 1879, with reference to the boundary lines of said town.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the second section of an act entitled an act to incorporate the town of Gladeville, in the county of Wise, approved February twenty-fourth, eighteen hundred and seventy-four, and as the same was amended by an act approved March third, eighteen hundred and seventy-nine, with reference to the boundary of said town, be amended and re-enacted so as to read as follows:

§ 2. That the boundaries of said town shall be as follows, namely: Beginning at a dogwood on a rock, north seventeen degrees thirty minutes west, three thousand seven hundred and thirty-three and fifty-two hundredths feet, from a point in the middle of Main street opposite the centre of the court-house; thence south sixty-two degrees thirty minutes east, five thousand two hundred and eighty feet, to a stake near a maple by Yellow creek; thence south twenty-seven degrees thirty minutes west, five thousand two hundred and eighty feet to a stake; thence north sixty-two degrees thirty minutes west, five thousand two hundred and eighty feet to a stake; thence north twenty-seven degrees thirty minutes east, five thousand two hundred and eighty feet to the beginning.

2. This act shall be in force from its passage.

CHAP. 484.—An ACT to amend and re-enact section 2 of an act entitled an act to incorporate the Ohio and Big Sandy coal company, approved February 22, 1890, so as to authorize the increase of the capital stock of the said company.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of an act entitled an act to incorporate the Ohio and Big Sandy coal company, approved February twenty-second, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 2. The capital stock of said company shall not be less than ten thousand dollars, and shall be divided into shares of one hundred dollars each, and the amount of the same may be increased from time to time by the board of directors, and such board may issue shares of stock and sell the same at such price as may be fixed and agreed to by them. Subscriptions to the said capital stock in the said company may be paid for in property, money or in the stock of other corporations at such prices as the board of directors may deem best, and said board is authorized to issue shares of stock to represent enhanced value of its property: provided that the maximum amount of the capital stock of said company shall at no time exceed six million of dollars.

2. This act shall be in force from its passage.

CHAP. 485.—An ACT for the relief of the Friendship fire company, No. 1, of Winchester, from the payment of certain delinquent taxes due to the state of Virginia.

Approved February 29, 1892.

Whereas, at a sale for delinquent taxes for the years eighteen hundred and seventy-six, eighteen hundred and seventy-seven, eighteen hundred and seventy-eight, eighteen hundred and seventy-nine, eighteen hundred and eighty, eighteen hundred and eighty-one, eighteen hundred and eighty-two and eighteen hundred and eighty-three by the treasurer of the city of Winchester, on the twentieth day of September, eighteen hundred and eighty-six, a certain lot, designated on the plat of said city of Winchester as lot number thirteen, north side of Cook street, and assessed to Daniel Fagan, was purchased by the commonwealth for the amount of the taxes thereon, to-wit: fifteen dollars and ten cents, there being no other bidder therefor; and

whereas the Friendship fire company, number one, of Winchester, an association whose members patriotically render important services to the public as firemen gratuitously, have purchased from the owner of said lot for the purpose of building an engine-house thereon—

1. Be it enacted by the general assembly of Virginia, That the lot be relieved from the lien of said taxes, and all interest, costs, and penalties thereon, and the clerk of the corporation court of the city of Winchester is directed to enter on the record of said sale that the lien has been released by this act.

2. This act shall be in force from its passage.

CHAP. 436.—An ACT for the relief of Frederick Jenkins, James Jenkins, James West, George Hogg and W. C. Hogg.

Approved February 29, 1892.

Whereas Frederick Jenkins, James Jenkins, James West, George Hogg and W. C. Hogg attended before the county court of Gloucester as witnesses for the prosecution in the case of commonwealth against John Jenkins, which case was finally dismissed; and whereas their names failed to be on the records of the court claiming their attendance, and the clerk, commonwealth's attorney and judge of said court certify to the fact that these parties are entitled to be paid for their attendance as witnesses, each one being entitled to five dollars and forty cents apiece; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts draw his warrants on the treasurer of the state in favor of Frederick Jenkins, James Jenkins, James West, George Hogg and W. C. Hogg, each, for the sum of five dollars and forty cents.

2. This act shall be in force from its passage.

CHAP. 437.—An ACT authorizing the trustees under the will of C. H. Lynch, deceased, to borrow money to make permanent improvements.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That Peter J. Otey, trustee for Susan L. Ward and her children; Thomas Fauntleroy, trustee for Mary A. Fauntleroy and her children, and Thomas L. Walker, trustee for Mary Lucretia Dearing, now Mary L. D. Christian, and her

children, under the will of Charles H. Lynch, deceased, or their successors, jointly as to any undivided property, or severally, be, and are hereby, authorized, from time to time, upon bill filed and matured for the purpose, in the circuit court of the county of Campbell, or the circuit or corporation court for the city of Lynchburg, to borrow money to make permanent improvements upon the real estate, or any part thereof, devised to any of said trustees by said will, upon its being made to appear to the court, to be for the best interest of all parties in interest, and on such terms, conditions, and limitations as the court in its decree may prescribe; and secure the payment of any sum borrowed hereunder by mortgage or deed of trust upon all or such part of said real estate as the court by its decree may direct.

2. Any mortgage or deed of trust made in the manner and for the purpose prescribed in this act, shall convey the fee simple title to said real estate free from any contingent or vested remainders, limitations and conditions contained in said will or reversions, as fully as if all parties in interest were in being and sui juris and united in said mortgage or deed of trust.

3. In event of a foreclosure of any mortgage, or sale under any deed of trust, made by virtue of this act, any surplus remaining after paying the cost of foreclosure, or sale, and the sum or sums secured thereby, with all interest due thereon, shall be held by the trustee or trustees of the property so disposed of, upon the same conditions, limitations, and remainders as prescribed in said will; subject, however, to any equities between the life-tenant and the remaindermen arising out of the terms, conditions, and limitations prescribed by the court in decreeing the borrowing.

4. In any suit brought to give effect to this act, the bill shall be verified by the oath of the plaintiff, and all persons in esse and interested in the property as life-tenants, or remaindermen under said will, or reversioners, shall be defendants.

5. This act shall be in force from its passage.

CHAP. 438.—An ACT to amend section 2 of an act entitled an act to authorize the mayor and common council of the town of Chatham, in the county of Pittsylvania, to borrow money for public improvements.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of an act entitled an act to authorize the

mayor and common council of the town of Chatham, in the county of Pittsylvania, to borrow money for public improvements, approved February twentieth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 2. Said bonds shall be issued in denomination of five hundred dollars, and bear six per centum interest per annum, said interest to be paid semi-annually on the first of January and the first day of July by the treasurer of said town. The principal of said bonds shall be payable in twenty years from date, or upon the call of said corporation at any time. Said bonds shall be signed by the mayor of said town and countersigned by the clerk of the common council, and shall be sold and negotiated in such manner as may be prescribed by the said mayor and common council: provided that said bonds shall not be sold or negotiated for less than their par value: and provided further, that this act shall not be operative until the question has been submitted to a vote of the people of said town, and it shall appear by the report of the board of commissioners that three-fifths of the qualified voters of said town voting upon the question are in favor of subscription, and that said three-fifths include a majority of the votes cast by freeholders at such election and a majority of the registered voters of said town.

2. This act shall be in force from its passage.

CHAP. 439—An ACT to amend and re-enact section 46 of chapter 4 of an act approved February the 12th, 1890, entitled an act to change the name of the town of Goodson to the city of Bristol, Virginia, and to provide a new charter for the same.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section forty-six of chapter four of an act approved February twelfth, eighteen hundred and ninety, entitled an act to change the name of the town of Goodson to the city of Bristol, Virginia, and to provide a new charter for the same, be amended and re-enacted so as to read as follows:

§ 46. There shall be elected by the qualified voters of the city of Bristol, on the fourth Thursday in May next, and on the fourth Thursday in May every year thereafter, one constable for said city, who shall hold his office for the term of one year and until his successor be appointed and qualified, unless sooner removed from office. Said constable shall keep his office in such convenient place in the city as may be designated by the city council, and shall

receive such compensations for his services as is allowed by law. He shall have the same powers and duties, and be subjected to the same penalties, as are prescribed by law for other constables. Said powers and duties shall be exercised and performed by him within the corporate limits of said city and within the county of Washington, and the said constable shall also have the same powers and duties as the sergeant of said city, and may execute any process, civil or criminal, that may be executed by said sergeant.

2. This act shall be in force from its passage.

CHAP. 440.—An ACT to allow J. M. Ratcliffe, treasurer, and John A. Cook, deputy treasurer, of Buchanan county, further time to collect certain taxes, levies, &c.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That authority is hereby granted J. M. Ratcliffe, treasurer of Buchanan county, and John A. Cook, deputy treasurer of said county, to collect any tax accounts in their hands for state taxes and county and district levies for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight and eighteen hundred and eighty-nine, which have not been returned delinquent or insolvent, and for which the said J. M. Ratcliffe and John A. Cook have accounted with the state and county; and they shall have the same power of levy and distress as treasurers now possess under the revenue laws: provided, however, that the authority granted by this act shall only extend for a period of one year from the date of its passage.

2. This act shall be in force from its passage.

CHAP. 441.—An ACT to authorize the sale of certain public school property in Salem, Virginia.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the school board of the town of Salem, Virginia, be, and is hereby, authorized to sell, on such terms as the board may think best, all or any part of the real estate now held by the board and used for the colored public school of said town of Salem; and when the purchaser or purchasers shall have fully paid the purchase money, to convey said real estate to him or them, as the case may be.

2. The proceeds from such sale or sales shall be applied towards the erection of a new building for the colored public school of the said town of Salem, Virginia, as the school board may direct.

3. This act shall be in force from its passage.

CHAP. 442.—An ACT to authorize the United States government to acquire title and jurisdiction to a tract of land in the county of Norfolk, at Willoughby Spit, for site for fortifications and coast defenses.

Approved February 29, 1892.

Whereas it has been represented to the general assembly of Virginia that the United States have acquired title to a tract of land at Willoughby Spit, in the county of Norfolk, embracing about fifty acres of land, for the purpose of locating, constructing and prosecuting works for fortifications and coast defences; therefore,

1. Be it enacted by the general assembly of Virginia, That the consent of this commonwealth be, and is hereby, given to the acquisition of said title, and jurisdiction is hereby ceded over the said tract of land to the government of the United States, so that congress and the authorities of the federal government shall have all lawful power and control over the same, as is specified in the seventeenth clause of the eighth section of the first article of the constitution of the United States.

2. This state retains jurisdiction over the said tract of land in all matters relating to the violation of the laws of the state, to the execution and service of all processes issued by or from the courts, magistrates or other officers of the state in pursuance of law, and in all other matters not incompatible with the consent herein given and the rightful authority of the United States thereby acquired or to be acquired under this act.

3. The said land and privileges hereby ceded, and the fortifications, buildings and structures which may be erected thereon by the United States government, are hereby exempted from all taxation so long as the same shall be held and used by the United States for the purpose hereinbefore mentioned, and no longer.

4. Should the property herein granted be used for any other purposes than those specified herein by the United States government, or under its authority, then the same shall be subject to taxation as other property in this state.

5. This act shall be in force from its passage.

receive such compensations for his services as is allowed by law. He shall have the same powers and duties, and be subjected to the same penalties, as are prescribed by law for other constables. Said powers and duties shall be exercised and performed by him within the corporate limits of said city and within the county of Washington, and the said constable shall also have the same powers and duties as the sergeant of said city, and may execute any process, civil or criminal, that may be executed by said sergeant.

2. This act shall be in force from its passage.

CHAP. 440.—An ACT to allow J. M. Ratcliffe, treasurer, and John A. Cook, deputy treasurer, of Buchanan county, further time to collect certain taxes, levies, &c.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That authority is hereby granted J. M. Ratcliffe, treasurer of Buchanan county, and John A. Cook, deputy treasurer of said county, to collect any tax accounts in their hands for state taxes and county and district levies for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight and eighteen hundred and eighty-nine, which have not been returned delinquent or insolvent, and for which the said J. M. Ratcliffe and John A. Cook have accounted with the state and county; and they shall have the same power of levy and distress as treasurers now possess under the revenue laws: provided, however, that the authority granted by this act shall only extend for a period of one year from the date of its passage.

2. This act shall be in force from its passage.

CHAP. 441.—An ACT to authorize the sale of certain public school property in Salem, Virginia.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the school board of the town of Salem, Virginia, be, and is hereby, authorized to sell, on such terms as the board may think best, all or any part of the real estate now held by the board and used for the colored public school of said town of Salem; and when the purchaser or purchasers shall have fully paid the purchase money, to convey said real estate to him or them, as the case may be.

2. The proceeds from such sale or sales shall be applied towards the erection of a new building for the colored public school of the said town of Salem, Virginia, as the school board may direct.

3. This act shall be in force from its passage.

CHAP. 442.—An ACT to authorize the United States government to acquire title and jurisdiction to a tract of land in the county of Norfolk, at Willoughby Spit, for site for fortifications and coast defenses.

Approved February 29, 1892.

Whereas it has been represented to the general assembly of Virginia that the United States have acquired title to a tract of land at Willoughby Spit, in the county of Norfolk, embracing about fifty acres of land, for the purpose of locating, constructing and prosecuting works for fortifications and coast defences; therefore,

1. Be it enacted by the general assembly of Virginia, That the consent of this commonwealth be, and is hereby, given to the acquisition of said title, and jurisdiction is hereby ceded over the said tract of land to the government of the United States, so that congress and the authorities of the federal government shall have all lawful power and control over the same, as is specified in the seventeenth clause of the eighth section of the first article of the constitution of the United States.

2. This state retains jurisdiction over the said tract of land in all matters relating to the violation of the laws of the state, to the execution and service of all processes issued by or from the courts, magistrates or other officers of the state in pursuance of law, and in all other matters not incompatible with the consent herein given and the rightful authority of the United States thereby acquired or to be acquired under this act.

3. The said land and privileges hereby ceded, and the fortifications, buildings and structures which may be erected thereon by the United States government, are hereby exempted from all taxation so long as the same shall be held and used by the United States for the purpose hereinbefore mentioned, and no longer.

4. Should the property herein granted be used for any other purposes than those specified herein by the United States government, or under its authority, then the same shall be subject to taxation as other property in this state.

5. This act shall be in force from its passage.

CHAP. 443—An ACT to compensate school trustees, other than clerks, in the counties of Campbell, Appomattox and Buckingham.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the district school boards of the counties of Campbell, Buckingham and Appomattox may, in their discretion, compensate the school trustees of their respective districts, other than the clerks of district school boards, at the rate of one dollar and fifty cents per day, for services rendered in attending the meetings of the district boards, payable from the district school fund: provided that no trustee as aforesaid shall receive more than nine dollars in any one year for services rendered on district account.

2. That county school boards of said counties may, in their discretion, compensate school trustees, other than clerks of county school boards, at the rate of two dollars per day, for actual attendance on meetings of county school boards, payable from the county school fund: provided that no trustee as aforesaid shall receive more than four dollars in any one year for services rendered on county school boards.

3. This act shall be in force on and after July the first, eighteen hundred and ninety-two.

CHAP. 444—An ACT for the protection of fish in Russell county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill or injure any fish by the use of dynamite or any other explosive or poison thrown or placed in any of the waters of Russell county.

2. It shall also be unlawful for any person to purchase, eat, or have in his possession any fish so injured or killed in any of said waters.

3. Any person who shall violate any of the provisions of section one of this act shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars; and any one who shall knowingly violate any of the provisions of section two of this act shall, upon conviction, be fined not less than ten dollars nor than one hundred dollars. All acts and parts of acts in conflict with this act are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 445.—An ACT to amend and re-enact section 1 of an act approved March 30, 1888, entitled an act to prescribe the times for holding the courts in the sixteenth judicial circuit.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of an act approved January thirtieth, eighteen hundred and eighty-eight, entitled an act to prescribe the times for holding the courts in the sixteenth judicial circuit, be amended and re-enacted so as to read as follows:

§ 1. The times for holding the courts in the sixteenth judicial circuit shall be as follows:

Russell county: First Monday in March, August and November.

Grayson county: Tuesday after the second Monday in April and Tuesday after the third Monday in October.

Smyth county: Third Monday in March and August and the first Monday in December.

Washington county: Fourth Monday in April and first Monday in October and January.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 446.—An ACT to dedicate and convey all right and title of the state in certain lots situated in Bedford City, Virginia, to parties to whom same have been heretofore conveyed.

Approved February 29, 1892.

Whereas on the twenty-second day of January, eighteen hundred and fifty, Joseph Wilson conveyed to Thomas L. Leftwich and others, elders in the Presbyterian church, by deed recorded in the clerk's office of Bedford county court, certain lots of land numbered forty-seven, forty-eight, forty-nine fronting on the north cross street, in the town of Liberty, in the said county, and also a lot of land adjoining the foregoing lots, containing one and seven-tenths acres, to be held by the grantees for the use of the church and religious congregation attached thereto, and their successors, according to the conditions and trusts mentioned in said deed of conveyance; and whereas the said grantees and their successors in office have, according to the direction of the session of the Presbyterian church, as mentioned in the said deed, sold and conveyed the property mentioned in the said deed, to

various parties, and a doubt having arisen as to whether the trusts mentioned in the said deed are valid, and whether the said property may not have reverted or become vested in the state of Virginia; now, therefore,

1. Be it enacted by the general assembly of Virginia, That all right and title in or to the said property that may have passed to or become vested in the state of Virginia, under the deed aforesaid, be, and the same is hereby, released, and all right and title of this state in or to any of the above property, is hereby released to them.

2. This act shall be in force from its passage.

CHAP. 447.—An ACT to change the corporate name of the town of Jeffersonville to Tazewell.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to incorporate the town of Jeffersonville, in the county of Tazewell, passed February twenty-first, eighteen hundred and sixty-six, be amended and re-enacted so as to read as follows:

§ 1. The town of Jeffersonville, in the county of Tazewell, as the same has heretofore been laid off into lots, streets, and alleys, shall be, and the same is hereby, made a town corporate by the name of Tazewell, and by that name shall have and exercise the powers conferred upon the said town by its charter and the laws of this commonwealth not inconsistent therewith.

2. This act shall be in force from its passage.

CHAP. 448.—An ACT to incorporate the Fry's Spring street railroad company.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That from and after the passage of this act, E. L. Handy, L. P. Maury, F. R. Welsh, Reuben Maury, J. Archer Harris, and such other persons as they may associate with them, their successors and assigns be, and are hereby, created and declared a body politic and corporate, under the name and style of the Fry's Spring street railroad company.

2. Be it further enacted, That said corporation, by said name, shall have continuous succession, and in that name

may sue and be sued, plead and be impleaded in any court of law and equity in this state or elsewhere, where their rights may come in question; may have and use a common seal and the same use, renew and destroy at pleasure; and may make, alter and repeal such by-laws governing its own members, officers, attorneys, agents, employees and persons dealing or having business with it as it considers proper, and as are not in conflict with the general laws of this state. And said corporation may acquire, purchase, accept, hold, enjoy and convey any property, real or personal or mixed, that may be necessary or profitable for the purpose of its incorporation, or which it may acquire in the progress of its business. It shall have power to fix its rates of toll, not exceeding the rate fixed by the general law for the transportation of persons and property, and collect the same, and in general shall have all such powers, privileges, rights and franchises as may be necessary to successfully accomplish and carry on the purposes of its incorporation.

3. Be it further enacted, That said company shall have power and authority to survey, lay out, construct, equip, use and employ a line of railway, of such gauge as the company may determine, to be operated by horses or mules, or any other motive power, with single or double tracks, upon and over any of the streets of the city of Charlottesville, on which the corporate authorities of said city have heretofore granted or may hereafter grant, the right of way, subject to such restrictions and limitations as said city has made; and also upon and over the highway leading from said city to or in the direction of Fry's Spring, or upon and over such other route, outside of said city, as may be lawfully acquired by said company, or upon and over such route within the grounds of the University of Virginia as the rector and board of visitors of said university may prescribe: provided the said company shall keep the streets and highways occupied by it, between the rails, and for one foot on each side of the track in like good repair, as is the residue of the said street or highway adjacent to said track: provided, however, no such highway or public road shall be used or occupied by said company, except with the consent of and subject to such conditions and restrictions as may be prescribed by the board of supervisors of Albemarle county, and the same to be also approved by the county court of said county: provided, also, that it shall not impair the safety or impede or endanger the operation of any railroad or transportation company, or be injurious to the works of the company to be crossed.

4. Be it further enacted, That should it be necessary for the successful carrying on of the business of said company to condemn any land for these purposes, it shall have the

right to enter by its agents and condemn any land needed, in the manner and under the regulations, conditions, and restrictions prescribed by law for the condemnation of land for works of internal improvement.

5. Be it further enacted, That the capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, and said company shall have power to issue bonds to the amount of twenty-five thousand dollars, and to pledge and bind, by mortgage or deed of trust or otherwise, their corporate property and franchises, so as to secure the payment of such bonds.

6. Be it further enacted, That the books of subscription to the capital stock of said corporation may be open under the superintendence of the persons named in the second section of this act, or with the consent of a majority of them, who shall be ex-officio directors until such corporation is organized, which shall be done within sixty days after the passage of this act. Such organization shall be perfected as soon as the sum of five thousand dollars shall have been subscribed to the capital stock.

7. Be it further enacted, That the corporate power of said company shall be vested in and exercised by a board of directors, one of whom shall be president of the company, and by such other officers and agents as the board may appoint. Said board of directors shall consist of not more than seven stockholders, and the first board shall be elected at such time and in such manner as the incorporators, or a majority of them, may determine, and annually thereafter by the stockholders of the company, each share of fifty dollars being entitled to one vote. The by-laws hereinbefore mentioned shall be drafted by the said board, and certificates of stock shall be issued and transferable in such manner as they determine.

8. Said Fry's Spring street railroad company may carry upon and over their line either passengers or freight, or both, as the public wants and its interest may require: provided that all the powers granted by this act shall cease, unless said company shall, within three months from the passage of this act, begin and continue bona fide operations. This act shall be subject to repeal, alteration, or modification, at the pleasure of the general assembly.

9. All taxes payable by said company to the commonwealth of Virginia shall be paid in lawful money of the United States, and not in coupons.

10. This act shall be in force from its passage.

CHAP. 449.—AN ACT for the protection of sheep in the county of Smyth.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the assessors for the county of Smyth to take annually at the time of listing the taxable property therein a list of all dogs over six months old, showing whether male or female, with the name of the owner or person in whose possession the same are found, upon the oaths or affirmation of the owner or housekeeper or head of the family with whom or on whose lot or plantation any dog or dogs may be found, as to the number of dogs such person may own or have, or as may be on his lot, plantation or premises, whether owned by him (or her) or not, and shall return such list of dogs to the clerk's office of said county at the time when he returns his list of taxable property, under the like fines, penalties and forfeitures as are now incurred by him for neglect of any similar duties under existing laws as to his duties in listing and returning taxable property.

2. That every case where the owner of a dog fails to pay the license-tax provided for in the third section of this act, it shall be the duty of the constable of the district in which said delinquent resides to kill said dog, for which he shall receive a fee of fifty cents out of the fund herein-after provided, and to that end the said constable shall obtain from the county treasurer a list of all delinquents under this act in his district, and shall, within thirty days after receiving said list, discharge his duty in this behalf, and on his failure so to do, when practicable, he shall pay a fine of fifty cents for each dog he so fails to kill.

3. That when said assessors shall have ascertained the number of dogs, they shall assess a license-tax of twenty-five cents per head on all male dogs and all spayed female dogs, and on every slut or female dog one dollar shall be assessed, and said sums so assessed shall be collected and accounted for by the county treasurer as county levies are by law directed to be collected and accounted for; and the treasurer shall keep a separate account of the fund arising from said tax. The said fund shall be, and the same is hereby, appropriated for remunerating the inhabitants of said county for any loss they may sustain from dogs killing or crippling their sheep, and for paying any expense necessary to carry this act into effect: provided that if after the fund herein provided for has been tried for one year it shall prove insufficient to pay damages sustained for sheep killed and crippled, and the necessary expense to enforce this act, the board of supervis-

ors may increase the license-tax on male dogs and on spayed female dogs to a sum not exceeding fifty cents per head, and the fund herein provided for shall be kept exclusively to pay for sheep killed or crippled by dogs, and any balance remaining on hand for any year shall be carried into the fund of the next year; and if it appear that a surplus is accumulating from this fund, the board of supervisors for the county shall reduce the tax on male dogs and on spayed female dogs to a sum which, in their judgment, seems practicable, and may, in their judgment and discretion, in such case reduce such license-tax to a sum less than twenty-five cents per head.

4. If it be found that the fund arising under this act for the first year shall be insufficient to pay the whole amount of damages inflicted by dogs on the owners of sheep in said county, each sufferer shall be paid out of said fund in proportion to the loss sustained.

5. That it shall be the duty of any justice of the peace in said county, on an application of the owner of sheep, or his agent, which have been killed or severely wounded by dogs (not his own) since the passage of this act, to issue a summons to three discreet persons who are qualified voters in said county (two of whom may act), who, being legally sworn, shall go forthwith on the premises where such sheep may be, and examine into the facts and justice of the claim, and appraise the amount of damages sustained by the owner, such damages not to exceed fifty cents per head, the assessed value of said sheep; and when said sheep were not in the possession of said owner at the time of assessment, or if in the possession, not assessed, the damages shall be the assessed value of sheep of like grade and quality in the community where such sheep are killed or crippled, and said appraisers shall return an accurate statement of the same under their hands to a justice, who, if it appears that such sheep were killed or crippled by dogs not belonging to the owner of said sheep, shall approve the said return by endorsing the same, and shall forward all the papers to the clerk of said county, who shall receive the same and present them to the board of supervisors at their next meeting.

6. All the payments made by the treasurer out of funds created by this act shall be on the order of the board of supervisors, certified by the clerk of said board.

7. The treasurer shall annually, at the yearly meeting of the board of supervisors, make a settlement with said board of his management of this fund, and said settlement shall be recorded by the clerk, and all payments out of this fund shall be made within fifteen days after said yearly meeting.

8. The fees of officers employed in the execution of this act shall be similar to those received for like service, and

when none are prescribed by law the board of supervisors shall make such compensation as they may deem right, all of which shall be paid out of such fund.

9. This act shall not affect sections twenty-one hundred and ninety-two and twenty-one hundred and ninety-three of the code of eighteen hundred and eighty-seven.

10. This act shall be in force from its passage.

CHAP. 450.—An ACT to authorize and empower the board of supervisors of Botetourt county to increase the salary of the judge of said county, at their discretion, to a sum not exceeding six hundred dollars.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Botetourt county be, and they are hereby, authorized and empowered to increase, at their discretion, the salary of the judge of said county court to a sum not exceeding six hundred dollars.

2. This act shall be in force from its passage.

CHAP. 451.—An ACT to amend and re-enact section 8 of an act entitled an act to establish a corporation court for the city of Bristol, in Washington county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section eight of an act entitled an act to establish a corporation court for the city of Bristol, in Washington county, approved February twelfth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 8. The judge of said corporation court shall receive an annual salary of not less than one thousand dollars nor more than twelve hundred and fifty dollars, to be fixed by the council of the city of Bristol, to be paid as provided by law; and the said judge shall qualify by taking the oath required by law within thirty days after receiving his commission, said oath to be taken before any notary public or any clerk of a court of record.

2. This act shall be in force from its passage.

CHAP. 452.—An ACT to amend and re-enact section 3717 of the code of Virginia in relation to embezzlement of public funds by public officers.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-seven hundred and seventeen of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3717. Embezzlement by officers, and so forth, of public funds; how punished; default in paying over funds evidence of guilt.—If any officer, agent or employee of the state, or of any city, town or county, or the deputy of any such officer having custody of public funds, knowingly misuse or misappropriate the same or knowingly dispose thereof otherwise than in accordance with law, he shall be confined in the penitentiary not less than one nor more than ten years; and if any default of such officer, agent, employee or deputy, in paying over said funds to the proper authorities when required by law to do so, shall be deemed *prima facie* evidence of his guilt.

2. This act shall be in force from its passage.

CHAP. 453.—An ACT to incorporate the Augusta, Highland and Alleghany railway company.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That J. Blair Shoenfelt, Alfred A. Brown, William D. Rippehoe, Richard F. Pettigrew, Evan M. Valentine, Thomas L. Brown, Delbert L. Davidson, James E. Davidson, Harry M. Wegner, Ferdinand Cimicotti, Gustav Cimicotti and F. G. Fricke, or such of them as may accept the terms of this act, and their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of Augusta, Highland and Alleghany railway company, and by that name shall be known in law; said company shall have perpetual succession and the power to sue and be sued, plead and be impleaded, defend and be defended in any courts, whether in law or equity; may make and have a common seal and alter or renew same at pleasure; shall have, possess and enjoy all the rights and privileges and be subject to all the restrictions of a corporation or body politic in the law necessary for the purposes of this act.

2. Said company is hereby authorized to construct, equip, maintain and operate a line of standard gauge railroad (with all necessary and convenient side-tracks, depots and other appurtenances), from some point in Augusta county, on the Chesapeake and Ohio or the Valley railroads, and run thence to the town of Monterey, in Highland county, with the right to extend said railroad from the last-named town to some point on the dividing line between Highland county and West Virginia. It shall be lawful for said company to transport passengers, freight and baggage over the line of said railroad and to collect fares and tolls for the same, and it may use steam or electric power to propel the cars upon their railroad. Said company may erect at any point or points along its road, or at either or both ends thereof, depots, warehouses, stock-yards and lumber-yards suitable and convenient for loading and unloading, receiving and storing of all kinds of lumber, cattle, merchandise and personal property for care and safe-keeping; and may conduct the business usually conducted by warehousemen or persons operating lumber-yards and cattle-yards, charging and collecting compensation therefor; and for any advances made by said company on any property stored or deposited with it for shipment and for all charges incident thereto, said company shall have a preferred lien on said property, which must be paid before the company shall be required to deliver up the same.

3. Said company shall have the power to cross at, above, or below grade, any public highway or railroad in either of said counties, and also to unite or connect physically with the Chesapeake and Ohio, and the Valley railroad, or either of them, and with any other road reaching or crossing the said line of railroad hereby authorized to be constructed. Said company shall have the right to construct, equip, maintain and operate its said railroad, sidings, depots and appurtenances along and upon any part or parts or all of the roadway of the old Staunton and Parkersburg turnpike between Staunton and Monterey, on the West Virginia line aforesaid, on the following terms and conditions:

First. Said company shall so construct and maintain its railroad where the same lies along and upon said old pike that the ties shall not rise above, and the rails not more than one inch above the surface of said old roadway, as maintained by said company.

Second. Said company shall not run its locomotives or trains over that part of the railroad lying along and upon said old pike except between the hours of seven o'clock in the evening and six o'clock in the morning of the following day, during which time, however, it shall have the right to run its engines and trains, and otherwise use and

operate its railroad along and upon said old pike as fully and freely and uninterruptedly as if it were not on said pike or other highway, having no different measure of liability for accidents occurring within said period along said pike than for those occurring elsewhere off the highway.

Third. So long as said company shall use any part of said old pike for its said roadway (unless used only for crossing) it shall be the duty of said railroad company to keep all of said pike in the county where so used, from the first point where the railroad enters upon it to the last point where it leaves it, in good repair and suitable condition for travel as a public highway, free from tolls or charges of any sort.

Fourth. Said company shall have the right to erect bridges and culverts across said old pike, or to change the grade of said old roadway, by cuts or fills, or both: provided only that its usefulness as a public highway be not thereby materially impaired; and provided further, that along the entire length of the pike road, where it shall be the duty of said company to keep it in repair, the pike roadway shall be kept at least ten feet wide on one side of said railroad track.

Fifth. Should said company at any time use or occupy said old pike road, as hereby authorized, without complying fully with all the said terms and conditions hereinbefore set forth, it shall be regarded as thereby unlawfully obstructing the public highway, and may be indicted, and, upon conviction, fined therefor according to law.

4. Said company is hereby authorized and empowered to condemn land for its uses in building, maintaining and operating its road, tracks, yards and works, in the manner provided by law in a case of corporations organized for works of internal improvement.

5. Said company is hereby authorized to acquire, hold, lease, sell or otherwise dispose of land to the extent of one hundred thousand acres in addition to that which it is authorized to condemn for its uses.

6. The capital stock of said company shall not be less than five thousand dollars nor more than one million dollars, and shall be divided into shares of the par value of twenty-five dollars each, and the directors may receive cash, services, material, leases, rights or real or personal property suitable for the business of the company in payment of the subscriptions to the capital stock, at such valuation as may be fixed upon as hereinafter provided, and may make such subscriptions payable in such manner or manners and in such times as they may deem best for the interests of the company.

7. It shall be lawful for said company to lease or sell its said road or roads, or other property, rights or fran-

chises; to borrow money for the uses of the corporation in building and operating its road, paying dividends, acquiring property or otherwise, and to secure such loans by deed of trust or mortgage on all or part of its estates, franchises or income; such loans to be for such sums and on such terms as the board of directors may deem expedient and proper; to subscribe to or purchase stock in any other corporation doing business in this state, and generally to do any and all acts expedient and necessary for the practical operating and maintaining of said company: provided the same shall not conflict with the laws of this state, or those of the United States.

8. It shall be lawful for said company to acquire, hold and dispose of land for right of way, depots, stations and other purposes necessary and profitable for the construction and operation of its said road.

9. Said corporation is authorized and empowered to construct branch roads in this state, none of which, however, shall exceed twenty-five miles in length.

10. Said company is authorized and empowered to build, operate, and maintain telegraph and telephone lines, or either, upon any part or the whole of its line or lines of roads, extensions or branches in this state, and to sell, lease or connect the same with any other telegraph or telephone line or lines in the state of Virginia.

11. The said company shall be required to commence the construction of its said railroad within two years from the first day of March, eighteen hundred and ninety-two, and to complete the construction of the main line of track between Buffalo Gap and Monterey, within five years after said first day of March, eighteen hundred and ninety-two, otherwise the powers, privileges and franchises hereby granted, shall be annulled and become void.

12. Whenever any five of the corporators hereinbefore named shall desire to organize said company under this charter, they shall notify in writing each of the other corporators (then living) of the time and place (the latter to be in the city of Staunton, Virginia,) proposed for effecting such organization. Each corporator (then living) shall be entitled to at least ten days' notice of such organization. Should five or more of said corporators be present in person at such organization meeting (of which legal notice shall have been given as above provided), such meeting shall be regarded as legally organized, and the corporators present in person thereat and participating therein shall be the board of directors of said company for the term, with the powers and subject to the provisions hereinafter set forth. It shall be the first duty of said board to elect a president, vice-president, secretary, and treasurer of said company (both of which last-named two offices may be held by one person). Said board shall then

by vote fix the amount of the capital stock of the company, and the terms and conditions upon which it will accept subscriptions thereto. The secretary of the company shall thereupon receive such written subscriptions to said stock as shall be made upon the terms prescribed by the board and tendered to him before all of the stock is taken, and he shall accept and enter them upon the company's books in the exact order in which they are received by him, unless otherwise ordered by the board of directors, who may reject any subscription tendered to the secretary and not yet entered on the company's books. Each subscription must be accompanied by a bona fide payment thereon by the subscriber of at least two dollars per share before it shall be lawful to accept and enter such subscriptions on the company's books. Said payment of not less than two dollars per share must be made in money or its equivalent in services, property, rights, or other thing, and must be made to the treasurer of the company before the secretary shall be authorized to accept the subscription. Should stock be paid for, in part or in whole, in anything other than money, the value of the services, property, rights, or other thing tendered as such payment, must first be fixed by the board of directors, before the treasurer shall be authorized to receive the same on account of any stock subscription. Should the treasurer receive in payment of stock anything other than money, without the board's having first fixed the value at which he is authorized so to receive it, or should he allow the stockholder a larger price therefor than that fixed by the board, he shall be liable on his official bond for the difference between the actual value of the thing so received by him, and the value allowed the stockholder by him therefor: provided the actual value be less than the sum allowed; but if otherwise, the company shall be entitled to the benefit. Should any director tender services, property, rights or other thing than money in payment, in whole or in part, of his liability for stock, the value thereof shall be fixed by the other directors not personally interested therein, otherwise than as stockholder, whether they be sufficient in number to constitute a quorum of the entire board or not. Should there not be any director qualified to vote thereon, then the board may choose two disinterested, intelligent men, who, in turn, shall select a third, and they then shall fix the value of the services, property, rights or other thing tendered in payment, and it shall be lawful for the treasurer to receive the same at the value so fixed by them. Should there not be as many as five of the corporators herein named present in person at the organization meeting aforesaid, such as are present may adjourn the meeting from time to time till at least five are so present in person, but it shall not be necessary to serve

new or additional notices of any such adjourned meeting; but information thereof shall be given any corporator applying therefor. When five thousand dollars of the par value of the capital stock shall have been subscribed and accepted, and the necessary down payment made thereon as above provided, the company shall be regarded as fully organized, and can then at once enter upon the transaction of any and all business it is authorized by its charter to undertake. If any stock of any issue remain unsubscribed for when the directors deem it best to close the subscription books, such untaken stock may be canceled or retired, or kept as treasury stock and thereafter sold from time to time as the board may deem best.

13. The corporators herein named, who may form the first board of directors of the company as provided in the last section, shall, unless they sooner die or resign, hold office as such directors up to March first, eighteen hundred and ninety-three, and until their successors shall have been elected, during which time they shall have authority to increase their number to not exceeding sixteen; to fill vacancies occurring on said board; to elect (in addition to the officers named in the last section) a general manager, and all necessary and desirable officers of said company, and to prescribe their duties and fix their salaries, notwithstanding such officers of said company may be members of said board; to adopt by-laws, rules and regulations for the management of the affairs of the company; to do all things necessary and expedient to carry out the purposes and objects of this charter, and to successfully conduct the company's business; to adopt a seal for the company; and generally to do anything that the stockholders in general meeting could do. They shall require the company's treasurer to give a bond in such penalty with such sureties as said board shall deem best, conditioned for the faithful discharge of the duties of his office; and they may, by resolution, delegate such of their powers as they may deem best, to any officer or officers of the company, or to any committee or committees of their body. A majority of the members of the board of directors then in office shall at all times constitute a quorum for the transaction of all business: provided, however, that if the board is at any time reduced to less than five in number, the remaining members shall, before transacting any other business, fill sufficient vacancies on the board to make its number not less than five. It shall be lawful for the board of directors, from time to time, to increase the capital stock of the company till it reach the limit fixed by this charter: provided, however, that no stock shall, at any time, be issued for less than its par value. Subscriptions to such new issues of stock shall be taken and received in the same manner as pro-

vided in the last section for subscriptions to the first issue; but the board may, by the resolution authorizing any new issue of stock, prescribe any special terms and conditions upon which it is issued, or prefer it in any particular or particulars over any prior issue of stock: provided only that such terms and conditions or preferences be not contrary to the laws of this state, or of the United States, and be not inconsistent with any undertaking or obligation of the company's therefore assumed or incurred. Meetings of the board of directors may be held as well without this state as within it. The board shall, semi-annually, or oftener, declare dividends of so much of the net assets of the company as it may deem it prudent to divide. If any stockholder be indebted to the company, his dividend, or so much as may be necessary, shall be passed to his credit in payment of the debt.

14. There shall be a general meeting of the stockholders of the said company on or before March the first, eighteen hundred and ninety-three; at Staunton, Virginia: provided the company shall have been legally organized as aforesaid before that day, otherwise there shall be a general meeting of the stockholders of said company, at said city, within sixty days after the minimum capital stock hereinbefore provided shall have been subscribed; notice of said meeting shall be given by publication, for thirty days, in one of the Staunton newspapers, and at such meeting the stockholders shall elect a new board of directors, and prescribe and limit their powers in such manner as the stockholders deem best; fix their compensation; make any addition to or amendment of the by-laws they may desire, and do any other matters that are proper to be done at a stockholders' meeting; after which meeting the powers and duties of the board of directors, as hereinbefore prescribed, shall be subject to such limitations as the stockholders of the said meeting, or at any subsequent meeting, may place thereon. It shall not be necessary to publish notice of a stockholders' meeting on payment of dividends, as required by the general laws, if such notice be waived by all the stockholders.

15. The principal office of said company shall be at the city of Staunton, in the State of Virginia, although the directors may establish offices and agencies elsewhere.

16. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

17. This act shall be in force from its passage, but the general assembly of Virginia reserves to itself the right to modify or repeal this act at any time hereafter.

CHAP. 454—An ACT to amend and re-enact sections 2, 4, 7 and 12 of an act approved December the 19th, 1889, entitled an act to incorporate the town of Mendota, in the county of Washington.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That sections two, four, seven and twelve of an act approved December the nineteenth, eighteen hundred and eighty-nine, entitled an act to incorporate the town of Mendota, in the county of Washington, be amended and re-enacted so as to read as follows:

§ 2. Beginning where the Mendota and Moccasin turnpike intersects the Poor Valley road; thence due south to the top of Little Mountain; thence with the top of said mountain to the north fork of Holston river; thence across said river in a southwestern direction across what is known as the Kinderhook farm to what is known as the Big Rock on eastern bank of said river; thence with said river in a northern direction to where said river makes a bend in an eastern direction; thence due north to Poor Valley road to a point about one hundred yards east of what is known as the Old Oyler or Sproule house, thence with said road west to the Scott county line; thence with said line one mile; thence due east to said turnpike; thence with said turnpike to the beginning.

§ 4. Any person entitled to vote in the county of Washington, and residing in the corporate limits of Mendota ten days previous to any election, shall be entitled to vote at all elections under said act of incorporation: provided he shall have first registered at least five days before said election under the clerk of the council of said town, who shall be ex-officio registrar for said town, and who shall proceed to register the voters of said town, in said town elections, all persons entitled to vote in said town elections, or that may hereafter become entitled to vote in the same manner as persons are registered to vote in county and state elections, except as herein otherwise provided.

§ 7. In addition to the above-named officers there shall be elected annually by the qualified voters of said town a mayor, a clerk, a town sergeant, and treasurer. The mayor shall be the presiding officer of the council, but shall have no vote except in case of a tie. The mayor shall and may exercise all jurisdiction, civil and criminal, both within the limits of said incorporation and within the county of Washington, now by law conferred upon justices of the peace, and shall preserve peace and good order in said town; and to this end shall be conservator of the peace with all the powers conferred upon conservators of the

peace, by law, and shall be entitled to the same fees as a justice of the peace.

§ 12. I. T. Martin, John M. Hamilton, J. W. Kaylor, A. F. Barker, H. W. Bellamy, Thomas C. Price, and James W. Barker, are hereby declared and appointed councilmen; J. A. Imboden, as mayor; P. L. Barker, as clerk of the council; Abb Grant as sergeant; and D.W. Garrett as treasurer of said town, and may, together with said councilmen, qualify before any magistrate or notary public in the county of Washington; and thereupon they shall constitute, until their successors are elected and qualified as hereinbefore provided, the council, the mayor, the clerk, the sergeant, and the treasurer of said town of Mendota, and as such they shall perform all the duties of said offices; and in the event that any of said officers shall fail or refuse to qualify as such within thirty days from the passage of this act, or shall become from any cause unable or disqualified to discharge the duties of said offices within said time, the judge of the county court of Washington county, any time after said time, in vacation or term time, shall, upon application of ten or more citizens of said town, appoint such officers as may fail to qualify as hereinbefore provided, or shall become unable or disqualified to discharge the duties of said offices within said time.

2. This act shall be in force from its passage.

CHAP. 455.—An ACT authorizing the board of supervisors of Sussex county to increase the salary of the judge of said county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Sussex be, and they are hereby, authorized and empowered to increase the salary of the county judge of Sussex county to a sum not exceeding five hundred dollars per annum.

2. This act shall be in force from its passage.

CHAP. 456.—An ACT to amend and re-enact section 5 of an act approved March 6, 1890, entitled "an act to provide for the improvement and working of the roads of the county of Prince George, and for the construction and repair of the bridges therein, and to repeal all other acts in conflict therewith."

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section five of an act entitled "an act to provide for

the improvement and working of the roads of the county of Prince George, and for the construction and repair of the bridges therein, and to repeal all other acts in conflict therewith," approved March sixth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 5. All male persons residing in the county of Prince George shall be compelled to work two days in each year on some public road therein, as near as may be to their residences, with the following exceptions, namely: ministers of the gospel, persons under eighteen and over sixty years of age, any person who has lost a leg or an arm; also any other person who is otherwise disabled may be exempt on certificate of the county court of such disability; also any person who shall pay before or when first summoned in each year to work on the roads, either to the county treasurer or to the surveyor of his road district or precinct, the sum of two dollars, taking a receipt therefor as the evidence of his exemption from road work for that year.

2. This act shall be in force from its passage.

CHAP. 457.—An ACT for working of the county roads of Essex.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That there shall be a road superintendent for the county of Essex appointed by a committee of three, consisting of county judge, commonwealth's attorney and county treasurer. He shall let out the roads and inspect them, and he shall be paid two dollars per day for time actually employed, the same to be paid out of general county road funds.

2. Each magisterial district shall be divided into ten sections, equal in proportion to the amount of work required to keep the roads in order, and after duly advertising by notices posted in prominent places in the neighborhood, each section to be put out by contract to the lowest responsible bidder for a term of five years, contracts stipulating the character of work to be done, et cetera, as far as practicable; bond and security to be required to secure faithful execution of contract.

3. The contractors shall receive as compensation one dollar and fifty cents per annum from every man in such precinct subject to road duty or two days' work from every such person, the names of such persons to be furnished the contractor by county superintendent, and in addition such compensation in money as may be agreed on, to

be paid quarterly after the roads have been inspected and approved.

4. Every male citizen of the county between the ages of sixteen and sixty years to be subject to a tax of one dollar and fifty cents, which he may pay by working on the road for two days of ten hours each, between April first and October first, or two days of eight hours each between October first and April first, at such times as said contractor may appoint. If such labor is not performed satisfactorily to the contractor, he will credit such laborer only by so many hours of work as have been actually performed by him. Laborers to work on roads as near their residences as possible, and if required to go more than two miles from their homes to be credited as if at work that much additional time.

5. The contractor shall call out at one time only as many hands as he thinks best, and shall have authority as constable to collect fines for non-attendance where laborers have been duly summoned.

6. The board of supervisors shall annually levy and fix, along with the county levy, a tax upon the property, real and personal, assessed for taxation in the several magisterial districts of the county, which shall be applied to the working, keeping in order and repairing the public roads and bridges in such districts, and the payment of salaries and compensation therefor pursuant to the provisions of this act. Such tax shall be not less than five nor more than fifteen cents upon every one hundred dollars in value of such property, and the same shall be collected, accounted for and paid out upon the warrant of the board, except that the fund collected from each magisterial district shall be kept separate by the county treasurer, and a different rate of tax may be prescribed for different districts in the same county. The amount collected in each district shall be expended in that district.

7. In event no one contracts for a section, the road superintendent shall have the money and labor to which said section is entitled expended economically in such section.

CHAP. 458.—An ACT to allow the personal representative of Edward Major, deceased, former treasurer of Charles City county, Virginia, further time to distrain for certain tax-bills and license-taxes for which he and his personal representative have accounted to the state and county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That J. A. Major, personal representative of Edward Major,

deceased, former treasurer of Charles City county, be allowed the further time of one year from the passage of this act in which to distrain and levy for and collect any uncollected accounts for taxes, license-taxes and county levies in her hands as personal representative of Edward Major, deceased, for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight and eighteen hundred and eighty-nine, not returned delinquent, and for which he or she have accounted to the state and county.

2. This act shall be in force from its passage.

CHAP. 459.—An ACT to allow Grace Episcopal church, Radford, Virginia, to borrow money.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That S. Heith, Ambrose Robinson, and John A. Wilson, and their successors, trustees of rectory property belonging to the Grace Protestant Episcopal church of Radford city, Virginia, be, and the same are, authorized and empowered to borrow a sum of money not to exceed one thousand dollars, to liquidate the debt due on said rectory property, and said trustees are fully empowered to execute note or notes, payable at such time as they may agree upon to the lender of said money, bearing six per centum per annum interest, and to secure the same and all renewals thereof by deed of trust on all of said rectory property.

2. This act shall be in force from its passage.

CHAP. 460.—An ACT to prevent the pollution of portable water used for the supply of cities and towns.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful, except as hereinafter provided, for any person to defile or render impure, turbid, or offensive the water used for the supply of any city or town of this state, or the sources or streams used for furnishing such supply, or to endanger the purity thereof by the following means, or any of them—to-wit: by washing or bathing therein, or by casting into any spring, well, pond, lake, or reservoir from which such supply is drawn, or into any stream so used, or the tributary thereof above the point where such

supply is taken out of such stream, or is impounded for the purposes of such supply, or into any canal, aqueduct, or other channel or receptacle for water connected with any works for furnishing a public water supply, any offal, dead fish, or carcass of any animal, or any human or animal filth, or other foul or waste animal matter, or any waste vegetable or mineral substance, or the refuse of any mine, manufactory or manufacturing process, or by discharging or permitting to flow into any such source, spring, well, reservoir, pond stream, or the tributary thereof, canal aqueduct or other receptacle for water, the contents of any sewer, privy, stable or barn-yard, or the impure drainage of any mine, any crude or refined petroleum, chemicals, or any foul, noxious, or offensive drainage whatsoever or by constructing or maintaining any privy-vault or cesspool, or by storing manure or other soluble fertilizer of an offensive character, or by disposing of the carcass of any animal, or any foul, noxious, or putrescible substance, whether solid or fluid and whether the same be buried or not, within two hundred feet of any water course, canal, pond, or lake aforesaid, which is liable to contamination by the washing thereof or percolation therefrom: provided that nothing in this act contained shall be construed to authorize the pollution of any of the waters in this state in any manner now contrary to law: and provided further, that this act shall not apply to streams the drainage area of which, above the point where the water thereof is withdrawn for the supply of any city or town, or is impounded for the purposes of such supply, shall exceed fifty square miles.

2. That any person knowingly or wilfully violating the terms of this act shall be deemed guilty of a misdemeanor, and shall be punished for each offence by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or by both, at the discretion of the court: and provided further, that nothing herein contained shall be so construed as to prevent the washing of ore or minerals in any of the streams or waters of this commonwealth other than such as may be used for the water supply of any city or town.

3. This act shall take effect fifteen days after its passage.

CHAP. 461.—An ACT to rearrange the fifth and fourteenth circuits and to form a new circuit.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section three thousand and fifty-seven of the code be amended and re-enacted so as to read as follows:

§ 3057. Judicial circuits.—The state shall be divided into eighteen judicial circuits, as follows:

First. The counties of Norfolk, Princess Anne, Nansemond, Isle of Wight, Southampton, and the cities of Norfolk and Portsmouth, shall constitute the first circuit.

Second. The counties of Brunswick, Chesterfield, Dinwiddie, Greensville, Nottoway, Prince George, Sussex, Surry, and the city of Petersburg, shall constitute the second circuit.

Third. The counties of Amelia, Buckingham, Charlotte, Cumberland, Lunenburg, Mecklenburg, Powhatan, and Prince Edward, shall constitute the third circuit.

Fourth. The city of Danville and the counties of Franklin, Halifax, Henry, Patrick, and Pittsylvania, shall constitute the fourth circuit.

Fifth. The counties of Amherst, Appomattox, Campbell, Nelson, and the city of Lynchburg, shall constitute the fifth circuit.

Sixth. The counties of Albemarle, Culpeper, Goochland, Fluvanna, Madison, Orange, and Greene, shall constitute the sixth circuit.

Seventh. The county of Henrico and the city of Richmond, shall constitute the seventh circuit.

Eighth. The counties of Accomac, Northampton, York, Elizabeth City, Warwick, James City, New Kent, Charles City and the city of Williamsburg, shall constitute the eighth circuit.

Ninth. The counties of Essex, King William, King and Queen, Northumberland, Lancaster, Gloucester, Mathews and Middlesex, shall constitute the ninth circuit.

Tenth. The counties of Caroline, Hanover, King George, Louisa, Richmond, Spotsylvania, Stafford, Westmoreland and the city of Fredericksburg, shall constitute the tenth circuit.

Eleventh. The counties of Alexandria, Fairfax, Fauquier, Loudoun, Prince William, Rappahannock and the city of Alexandria, shall constitute the eleventh circuit.

Twelfth. The counties of Clarke, Warren, Frederick, Shenandoah and Page, shall constitute the twelfth circuit.

Thirteenth. The counties of Augusta, Rockbridge, Rockingham, Bath, Highland and Alleghany, shall constitute the thirteenth circuit.

Fourteenth. The counties of Botetourt, Roanoke, Craig, Montgomery and Floyd, shall constitute the fourteenth circuit.

Fifteenth. The counties of Wythe, Pulaski, Giles, Carroll, Bland and Tazewell, shall constitute the fifteenth circuit.

Sixteenth. The counties of Washington, Smyth, Grayson and Russell, shall constitute the sixteenth circuit.

Seventeenth. The counties of Scott, Lee, Wise, Dickenson and Buchanan, shall constitute the seventeenth circuit.

Eighteenth. The county of Bedford and the city of Roanoke, shall constitute the eighteenth circuit.

2. This act shall be in force from its passage, and all acts and parts of acts inconsistent with the same are hereby repealed.

CHAP. 462.—An ACT to relieve the Max Meadows land and improvement company, Max Meadows iron company, Park land company, Crockett land company and A. C. Denniston, against an improper and erroneous assessment of their respective lands made in the year 1891, and to enable them to apply to the county court of Wythe county for a correction of said assessments.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the time prescribed, "How and when erroneous assessments of land may be corrected," as provided by section four hundred and forty-four of chapter twenty-three of the code of eighteen hundred and eighty-seven, be, and the same is hereby, extended in favor of the Max Meadows land and improvement company, Max Meadows iron company, Park land company, Crockett land company and A. C. Denniston, to the first day of July, Anno Domini, eighteen hundred and ninety-two: provided, however, that nothing in this act shall authorize the county court of Wythe county to diminish the aggregate of the amount of the assessments heretofore made against all of said companies, but to properly apportion the same among said companies as is right; and said court shall have power to correct the said assessments so as to charge the said companies with the amounts of lands actually owned by each with the betterments thereon: provided, however, that nothing in this act shall be construed to authorize or enable the said court to reduce the assessment upon any one of said parcels of land, and said court shall not have power to reduce the assessments made upon the improvements on said parcels of land.

2. This act shall be in force from its passage.

CHAP. 463.—An ACT to authorize the voters of Stanton River district, Pittsylvania county, to vote on the fence law.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the judge of the county court

of Pittsylvania county, upon the petition in writing of one hundred qualified voters in Stanton river district, in said county, one-half of whom shall be freeholders, whose names shall be written or verified, which petition may be presented either in term time or vacation, to order a special election in said district upon the question of adopting the fence law as provided for in an act entitled an act relating to fences and the protection of crops, passed January twenty-sixth, eighteen hundred and sixty-six. The said judge shall, within ten days after the receipt of said petition, certify the fact to the sheriff of said county, whose duty it shall be to forthwith post at each voting precinct in said district or districts, notice of said election, and also to give notice to the officers charged with the duty of conducting election in said district or districts, and also to publish the same in some local newspaper not less than one month prior to said election.

2. This act shall be in force from its passage.

CHAP. 464.—An ACT for making and repairing division fences between coterminous land owners in the county of Frederick, Virginia.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That when a division fence between coterminous land-owners, in the opinion of either, should be made or repaired, and such owners do not agree as to the same, either one of them, on ten days' notice to the other, may apply to the board of road commissioners of his magisterial district to view the premises, hear the parties, and consider and determine—first, whether to make or repair, as applied for, be to the interest of both parties; and, secondly, if yea, they shall determine thereof to each, fix definitely the part to be done by each, the manner in which to be done, and the period in which the same shall be done and the cost of doing the same, and a copy of their decision, in writing, shall be delivered to each party and a copy thereupon returned to the county court. If, therefore, either party fail to make the fence or repairs thus determined, then the other party may make the fence or do the repairs at the cost of the party so failing; and, on motion, after ten days' notice thereof, before the county court, to which said returns may be made, may recover the amount so estimated and the cost of enforcing the same, and have judgment and execution as in matters of debt and account.

2. The decision of the board of road commissioners shall be final and conclusive.

3. The members of the board shall have each one dollar for every day so employed, each party paying one-half of the cost.

4. All acts and parts of acts in conflict with this act shall be repealed.

5. This act shall be in force from its passage.

CHAP. 465.—An ACT for the relief the Berkley school district in Spotsylvania county.

Approved February 29, 1892.

Whereas it appears that in taking the last school census of Berkley district, Spotsylvania county, Virginia, serious errors were committed, to the great damage of the school system; and whereas by such errors the people of that district are deprived of the fair benefits of the school system; therefore,

1. Be it enacted by the general assembly of Virginia, That the clerk of the Berkley district board of Spotsylvania county be, and is hereby, empowered to take the census of all persons between the ages of five and twenty-one years residing in said district, and shall comply in all respects with the general law of the state in such cases made and provided; and the general law of the state relating to the taking of the census of school population by the clerk of each district school board shall apply to the duties herein imposed upon the said clerk of said district, and the same duties and liabilities are hereby imposed upon the other school officers which in such cases are imposed upon them by the general law.

2. After the said census has been taken and fully completed it shall be considered as the true census of the district for all school purposes, and shall be the basis for apportioning the school funds according to subdivision nine of section fourteen hundred and thirty-six, code of eighteen hundred and eighty-seven; and the census taken according to the provisions of this act shall stand for all school purposes as if the same had been taken according to the provisions of the general law in such cases made and provided.

3. The said clerk of said board shall receive for his services under this act such compensation as the said district board may deem reasonable: provided, the same shall not exceed the compensation for similar services prescribed in section fourteen hundred and sixty-two, code of eighteen hundred and eighty-seven.

4. This act shall be in force from its passage.

CHAP. 466.—An ACT to provide for the election of school trustees in the county of Frederick.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That in each magisterial district in the county of Frederick there shall be chosen, in the manner not prescribed for the election of other district officers, by the qualified voters thereof at the general election to be held in May, in the year eighteen hundred and ninety-three, and biennially thereafter, three school trustees, who shall hold their office for the term of two years, and who shall enter upon the duties of their office on the first day of July next succeeding their election. They shall continue to discharge the duties of their office until their successors shall have qualified.

2. Provided, that when any vacancy occurs in the office of district school trustees, the same shall be temporarily filled by the county superintendent. The county superintendent shall also remove any trustee who fails to discharge the duties of his office according to law.

3. The organization of the said board of district school trustees and the duties of said trustees shall be the same as are now prescribed by law. The board shall appoint for each school-house a proper person, whose duty it shall be, subject to the supervision of the board, to cause said school-house to be properly furnished with supplies and kept in proper order.

4. The terms of office of all school trustees in said county who have been or who may hereafter be appointed by the school trustee electoral board of said county shall expire on the first day of July, eighteen hundred and ninety-three.

5. This law shall take effect from the first day of May, in the year eighteen hundred and ninety-three.

CHAP. 467.—An ACT to incorporate the Portsmouth real estate title, trust, safe deposit and insurance company.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That S. Henry Norris, Heber Alter, J. J. McFarlan and James Lynd, junior, of Philadelphia, Pennsylvania; George A. Brooks and Samuel Niemeyer, of Portsmouth,

Virginia; J. O. Magruder, of Albemarle county, Virginia, William Schmoele, junior, and Charles A. Stewart, of Norfolk county, Virginia, and L. C. Hall, of Portsmouth, Virginia, and their associates, successor and assigns, be, and they are hereby, declared to be a body corporate and politic by the name of the Portsmouth real estate title, trust, safe deposit and insurance company, and by that name and style shall have perpetual succession, and may sue and be sued in any court whatever.

2. The capital stock of said company shall consist of five hundred shares of stock of the value of one hundred dollars each, being fifty thousand dollars, with the privilege to increase the same by a vote of the stockholders at an annual or special meeting to not more than ten thousand shares of one hundred dollars each, and the corporations or a majority of them named in the first section of this act shall have power to open books for subscription at such times and places as they may deem expedient, and when not less than five hundred shares have been subscribed, and ten per centum thereon shall have been paid in, the shareholders may elect nine directors to serve until the next annual election, or until their successors shall be duly elected and qualified; and the directors so elected of said company, when it shall have been organized, may, and they are hereby, authorized and empowered to have and to exercise in the name and behalf of the company all the rights and privileges which are intended to be hereby given, subject only to such liabilities as other shareholders are subject to, which liabilities are no more than payment to the company of the sums due or to become due on the shares held by them; and should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a pro rata share of such increase, upon the payment of the par value of same.

3. The said company shall have power and is hereby authorized to receive and hold on deposit and on trust, estate real and personal, including the notes, bonds, obligations and accounts of states and of individuals, and of companies and of corporations, and the same to negotiate, purchase, collect and adjust and settle, and also to sell and disburse of the whole or portion thereof, in any market in the United States or elsewhere, without proceedings in law or equity, and for such price and on such terms as may be agreed on between them and parties contracting with them; and to give certificates as to value thereof, that the corporation hereby created shall also possess and have the power to make insurance for the fidelity of persons holding places of responsibility and of trust, such as trustees, guardians, administrators and all others requiring security for the faithful performance of their

duties, and also to insure the value of and title to real estate and mortgages, and also to give certificates of search of the records of the different courts and affairs connected with the transfer of real estate; and for such purpose shall have the right to make examinations and copies of such records at all reasonable times, and also to receive upon deposit for safe-keeping money, jewelry, plate, stocks, bonds, wills and valuable property of every kind, upon terms to be prescribed by the by-laws of the said company: provided that nothing herein contained shall authorize said company to engage in the business of banking.

4. That said company is hereby authorized to act as executors, administrators, guardians and trustees when so appointed, and whenever so appointed by any person or persons, register of wills or court, the capital stock of said company as paid in, and not being less than fifty per cent. thereof, shall be taken and considered as the security required by law for the faithful performance of their duties as aforesaid, and shall be absolutely liable in case of any default whatever.

5. That any executor, administrator, guardian, or other trustees, having the custody or control of any bonds, stock, securities, money, or other valuables belonging to others, shall be authorized to deposit the same for safe-keeping with said company.

6. That the principal office of the said company shall be in the city of Portsmouth, Virginia, but the directors, under such rules and regulations as they may prescribe, may establish branches or agencies in other parts of the state or elsewhere. All of the directors shall be citizens of the United States, and five shall be citizens of Virginia, and shall keep a record of their proceedings.

7. The directors shall be elected annually by the stockholders, on the second Monday of January, and they shall elect from their members, at the first meeting of the board after election, a president and vice-president, and shall have power to elect a treasurer and secretary, and such other officers, clerks and agents as the business of the company may require. All elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him; but no person shall be eligible as director who is not a stockholder to the amount of ten shares. At the annual or special meetings a quorum shall consist of stockholders owning at least one-third of the capital stock.

8. Ten days' notice shall be given by publication in a newspaper published in the city where the principal office is located of the time and place of the annual election, which election shall be conducted by three stockholders, one of whom shall act as judge and the other two as inspectors.

9. The board of directors shall make all by-laws necessary for conducting the business of the company, which by-laws shall at all times be open to the inspection of any stockholder. The directors shall have power to require payment of the amount remaining unpaid on the said stock of said company at such time and in such proportions as they shall think proper, and under the penalty in case of non-payment as required of forfeiture to the company of such stock and all the previous payments thereon; the said assessments to be made as the by-laws of said company shall direct.

10. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

11. That this act shall be in force from its passage.

CHAP. 468.—An ACT to empower the council of the town of Cape Charles to borrow money and issue bonds therefor to erect or contribute to the erection of an academy of learning.

Approved February 22, 1892.

1. Be it enacted by the general assembly of Virginia, That the council of Cape Charles be, and they are hereby, authorized to borrow for said corporation, for the purpose of erecting or contributing to the erection of an academy of learning in said town, a sum of money not exceeding one thousand dollars, by the issue and sale of the bonds of the said corporation.

2. The said bonds shall be registered, shall be issued in such denominations as said council shall prescribe, and shall bear interest at a rate not exceeding six per centum per annum, payable annually. The principal of said bonds shall be payable three years after their dates. The said bonds shall be signed by the president of the council, attested by his clerk, with the corporate seal attached, and shall be sold and negotiated in such manner and upon such terms as the council shall prescribe: provided that the said bonds shall not be sold for less than their par value.

3. The council of said town shall have power to make annual appropriations out of the revenue of the corporation to pay the interest and provide a sinking fund for the redemption of said bonds.

4. This act shall be in force from its passage.

CHAP. 469.—An ACT to refund money improperly paid into the treasury by George and Robert Ellis, of the county of Essex.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to issue a warrant in favor of George Ellis and Robert Ellis, of the county of Essex, for the sum of seven hundred and twenty dollars, that sum being improperly paid by them into the treasury of the state.

2. This act shall be in force from its passage.

CHAP. 470.—An ACT to refund to J. W. T. Warren, of Page county, Virginia, certain taxes improperly paid by him.

Approved February 29, 1892.

Whereas the treasurer of Page county did, on the twenty-third day of January, eighteen hundred and eighty-eight, sell for delinquent taxes two hundred and twenty-four acres of land in the name of the Virginia iron and ore company, the said land being sold by said treasurer for taxes delinquent on said land for the year eighteen hundred and eighty-six; and whereas J. W. T. Warren, the purchaser of said land at said sale, did pay the costs and said taxes on the said land for the years from eighteen hundred and eighty-six to eighteen hundred and eighty-nine, inclusive, which amounted for the said four years to eighteen dollars and twenty-one cents; and whereas it appears by a statement of the said treasurer of Page county, William O. Yager, that the same taxes were also paid to him by William Cabbage (to whom the said land was deeded, but not transferred on the land book), for the years eighteen hundred and eighty-six and eighteen hundred and eighty-seven, the commissioner of court who sold the said land for the benefit of the said William Cabbage's creditors, paid out of the purchase money the taxes on the said land for the year eighteen hundred and eighty-eight, and Albert Vrand's, who purchased the said lands at the said commissioner's sale, paid the taxes on the said land for the year eighteen hundred and eighty-nine, the state thereby receiving the taxes twice on the same two hundred and twenty-four acres of land for the years from eighteen hundred and eighty-six to eighteen hundred and eighty-nine, inclusive; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby,

directed to draw his warrant on the treasurer of the commonwealth of Virginia in favor of J. W. T. Warren for eighteen dollars and twenty-one cents, payable out of any money in the treasury not otherwise appropriated, the same being the amount erroneously paid into the treasury for delinquent taxes as above specified.

2. This act shall be in force from its passage.

CHAP. 471.—An ACT for the protection of game in the county of Prince George, Virginia.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall not be lawful for any person to kill or capture deer in the county of Prince George between the fifteenth day of February and the first day of September in each year.

2. It shall not be lawful to kill or capture wild turkeys in said county between the fifteenth day of March and the fifteenth day of September in each year.

3. Any person violating the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof before any court or justice of the peace, shall be fined not less than five dollars nor more than ten, and shall be put in the county jail until said fine is paid, but not exceeding thirty days.

4. All acts or parts of acts in conflict with this act are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 472.—An ACT to allow V. B. Gilmer, treasurer of Russell county, further time to distrain and levy for taxes for the years 1887, 1888, and 1889.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That V. B. Gilmer, treasurer of Russell county, be allowed the further time of one year within which to distrain and levy for taxes and levies now in his hands and uncollected by him for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, and eighteen hundred and eighty nine, and for which he has accounted in his annual settlement.

2. This act shall be in force from its passage.

CHAP. 473.—An ACT to authorize the judge of Buchanan county to fill a vacancy in the office of commonwealth's attorney.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the judge of the county court of Buchanan county is hereby authorized and empowered to fill any vacancy now existing or that may hereafter exist in the office of commonwealth's attorney for said county by appointing any practicing attorney at the bar of its court, whether said appointee be a resident of said county or not.

2. This act shall be in force from its passage.

CHAP. 474.—An ACT to authorize the board of supervisors of the county of Bedford to determine what shall be considered a lawful fence in the county of Bedford.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Bedford be, and are hereby, authorized to determine what shall be considered a lawful fence for the county of Bedford, or for such portion or portions thereof as they may select, and as to what class or classes of stock.

2. This act shall be in force from its passage.

CHAP. 475.—An ACT for the relief of Elizabeth Hodges.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to list the claim of Mrs. Elizabeth Hodges, the widow of a Confederate soldier, for the pension of thirty dollars per year as is provided for such persons.

2. That this act shall be in force from its passage.

CHAP. 476.—An ACT to authorize the Battery Park improvement company to erect a wharf or wharves along its water front on Pagan creek.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the Battery Park improvement company be, and is

hereby, empowered to erect a wharf or wharves along its water front on Pagan creek: provided said wharf or wharves shall not obstruct navigation, and shall be subject to the laws of this state governing wharves erected in the waters of the commonwealth.

2. This act shall be in force from its passage.

CHAP. 477.—An ACT to amend and re-enact section 3184 of the code of Virginia, 1887, to provide for general index to deed books and other records.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and eighty-four of chapter one hundred and fifty-three of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3184. The court of every county and corporation wherein a general index to the deed books, will books, bond books, judgment lien docket books, minute books and records of fiduciary accounts on file in the clerk's office of such county or corporation has not been provided, or wherein such general index has been provided and has become so defaced as to render another general index necessary and proper, or wherein the index does not show the Christian names or the initials of the grantor, grantee or testator, may, in its discretion, appoint a suitable person, whose duty it shall be to make a general index to such deed books in the full names of the grantor and grantee, and a general index to the will books, bond books, judgment lien docket books, minute books and records of fiduciary accounts; and the said court shall certify a proper allowance to the person so appointed as compensation for services performed under such order, and direct warrant therefor payable out of the treasury of such county or corporation, and the board of supervisors of the county or the council of the corporation shall make sufficient levy for same. It shall be the duty of the clerk of every county and corporation court to index all recorded deeds, wills, bonds, docketed judgments and fiduciary accounts, as well as in the general index as in the deed books, will books, bond books, judgment lien docket books, minute books and records of fiduciary accounts.

2. This act shall be in force from its passage.

CHAP. 478.—An ACT to provide for a new census of the school population of the city of Buena Vista.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the judge of the hustings court of the city of Buena Vista be authorized to have taken a new census of the school population of the city of Buena Vista.

2. Said enumeration of the school population of said city shall be conducted under the laws now in existence regulating the taking of the census of the school population of this state, the expense of taking said census to be borne by the city school board.

3. This act shall be in force from its passage.

CHAP. 479.—An ACT to amend and re-enact section 10 of an act entitled "an act to incorporate the Basic City, West Virginia and Pittsburg railway company," approved March 4, 1890.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section ten of an act entitled "an act to incorporate the Basic City, West Virginia and Pittsburg railway company," approved March fourth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 10. The said company shall be required to commence the construction of said railroad in three years from the first day of March, eighteen hundred and ninety-two, and to complete the construction of the main line within five years thereafter, or otherwise the powers, privileges, and franchises hereby granted shall be annulled and become void: provided, however, that should the said company commence the construction of the said road within the three years above-mentioned, and should complete a part of the main line thereof within said five years, then the powers, privileges, and franchises hereby granted shall be null and void only so far as regards that part of the main line not constructed and completed within the said five years, but shall be valid in all respects so far as the main line of said road shall be concerned which shall have been complete within the said five years, and any branches thereof which may be thereafter completed pursuant to the terms of this charter.

2. This act shall be in force from its passage.

CHAP. 480.—An ACT empowering the board of supervisors of Lee county to increase the salary of the judge of the county court of said county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Lee county be, and they are hereby, authorized and empowered to increase the salary of the judge of the county court of said county so that the salary of said judge shall not be more than eight hundred dollars per annum.

2. This act shall be in force from its passage.

CHAP. 481.—An ACT to release Francis Crigler from a judgment against her upon a forfeited bail bond.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That Francis Crigler, of Culpeper county, be, and she is hereby, relieved and released from a judgment for one hundred dollars obtained against her at the — term of the county court of Culpeper for the year eighteen hundred and ninety-one as surety for William Crigler upon his bail bond.

2. This act shall be in force from its passage.

CHAP. 482.—An ACT to amend and re-enact chapter 165 of the general acts of the assembly of Virginia of 1889-'90, relating to commissioners of revenue for the county of Campbell.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That chapter one hundred and sixty-five of the general acts of the assembly of Virginia of eighteen hundred and eighty-nine and eighteen hundred and ninety be amended so as to read as follows:

Be it enacted by the general assembly of Virginia, That at the next general election to be held in the county of Campbell on the fourth Thursday in May, eighteen hundred and ninety-one, and every four years thereafter, there shall be elected by the qualified voters of said county three commissioners of the revenue for said county, instead of two, as now provided for by law. Rustburg magisterial

district and all that portion of Brookville magisterial district lying east of the Lynchburg and Durham railroad shall constitute one revenue district, to be called James river district; Senecar magisterial district, together with Falling river magisterial district, shall compose another revenue district, to be called Stanton river district; and Otter River magisterial district and all that portion of Brookville magisterial district lying west of and including the Lynchburg and Durham railroad shall be known as the Otter river revenue district.

2. This act shall be in force from its passage.

CHAP. 483.—An ACT to amend and re-enact section 1 of chapter 491 of the acts of 1889-'90, in relation to working public roads in Chesterfield and Powhatan counties.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of chapter four hundred and ninety-one of the acts of eighteen hundred and eighty-nine and eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 1. That the boards of supervisors of the counties of Chesterfield and Powhatan shall take charge of and have worked and kept in repair all public roads, and have built and kept in repair all bridges in said counties, heretofore and hereafter established, and for this purpose are authorized and empowered, at the July meeting in each year, or as soon thereafter as practicable, to levy a road tax upon all proper subjects of taxation not exceeding in any one year twenty cents upon the hundred dollars assessed value of taxable property in said counties, and to adopt such rules and regulations as may be necessary to cause the proper working of said roads; and to this end the said boards of supervisors may permit land owners to pay the amount of road tax assessed against them, or such portion thereof as the said boards may direct, in work upon the public roads contiguous to their lands, and the road-tax tickets against such land owners shall be credited by said boards by the amount which they may have agreed shall be paid by the said land owners in work.

2. This act shall be in force from its passage.

ACTS OF ASSEMBLY.

CHAP. 484.—An ACT to compensate James C. Baker and Edward S. Conrad for professional services rendered in behalf of the commonwealth of Virginia.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts is hereby authorized and directed to issue his warrants on the treasurer in favor of James C. Baker and Edward S. Conrad, attorneys-at-law, for the sum of seventy-five dollars as compensation for services rendered the commonwealth of Virginia in the United States court at Harrisonburg, Virginia, involving the constitutionality of the law relating to peddlers' license.

2. This act shall be in force from its passage.

CHAP. 485.—An ACT to allow Henry Crockett to erect a wharf at Onancock, in the county of Accomac, on Onancock creek.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That Henry Crockett, of the county of Accomac, is hereby authorized to erect a wharf at Onancock, in the county of Accomac, on the Onancock creek, on land belonging to said Henry Crockett, and extending thirty feet in said creek, subject to all the laws of the state governing all wharves erected on the waters of this commonwealth: and provided, also, that this act shall at all times be under the control of the general assembly: and provided further, that nothing herein shall be construed to give said party the privilege to extend said wharf so that the water front of the adjacent property shall be encroached upon or covered by said wharf.

2. This act shall be in force from its passage.

CHAP. 486.—An ACT to incorporate the town of Glasgow.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That all the territory in Rockbridge county contained within the following limits, namely: Beginning at the confluence of the North and James rivers; thence up the North bank

of James river, at low-water mark, to a point opposite the extension of the western line of thirteenth street; thence with the western line of said street to its intersection with the northern line of Rockbridge road; thence with said line of Rockbridge road to the northern boundary line of the Norfolk and Western (Shenandoah Valley) railroad; thence with said line of said railroad to its intersection with the western line of Blue Ridge road; thence with said line of said Blue Ridge road to its intersection with the northern line of Shawnee street; thence with the northern line of said street extended to its intersection with North river, at low-water mark; thence along the west bank of North river, at low water mark, to the beginning (which boundaries and those parts of the North and James rivers and the outside lines of those streets, places, and roads as laid off in the plat or map of the subdivision of the lands of the Rockbridge company into lots, recorded in the clerk's office of the county court of Rockbridge county, in deed-book number fifty-eight, at pages one and two) shall constitute the town of Glasgow and the inhabitants within said boundaries and their successors, shall be a corporation under the name and style of the town of Glasgow, and the forty-fourth and forty-sixth chapters of the code of Virginia, edition of eighteen hundred and eighty-seven, as far as consistent with this act, shall be applicable to said town; and the council of said town may, from time to time, enlarge the boundaries of said town by adding thereto the lots of such persons as desire to be included in said corporation and who shall make application therefor to said council.

2. The government of the said town shall be vested in a mayor and a council of six members besides the mayor (who shall be ex-officio a member of the council and preside at all meetings thereof), who shall be residents of said town, and shall be elected on the fourth Thursday of May, eighteen hundred and ninety-three, and on the fourth Thursday of May in every second year thereafter, by those qualified to vote for members of the general assembly and who shall have been residents within the boundaries of the corporation for three months next preceding the election, and by no other person. There shall be five days' notice of all elections by posting notices at three or more public places within the corporation. The mayor and council shall remain in office until their successors are elected and qualified in their stead, but no longer.

3. The council shall fix and determine the place where said election shall be held, shall prescribe the manner of declaring and certifying elections, of deciding between two or more where the number of votes shall be equal, and of filling vacancies in said board. A majority of said council shall constitute a quorum to do business.

4. The council shall appoint annually a sergeant, clerk, and treasurer, and shall fix their compensation and prescribe their duties, and require such bonds as may be deemed proper.

5. The sergeant of said town, who shall from time to time be appointed under this act, shall have the like rights of distress and a power for collecting the taxes and levies made by said council of said town as sheriffs in similar cases, and shall be entitled to the same or like fees and commissions for collecting said taxes and levies, as are allowed sheriffs for collecting county levies, and in the service and return of all processes, and in the collection of all fines arising under the authority of this act, or of any by-laws made in pursuance hereof, he shall have and possess the same rights and powers and be entitled to the same or like fees and commissions as allowed by law to sheriffs for similar services.

6. The sergeant of said town, upon entering into bond in the county court of Rockbridge county, in the manner prescribed by law for constables, and with such conditions as constables are required by law to enter into, shall have all the power and authority of a constable in the collection of money by warrant or otherwise, and to execute any and all process to him directed, or which might have been so directed; and shall and may do and perform all acts, execute and return such warrants, and be liable in the same manner and to the same extent that constables are by laws now in force.

7. The sergeant of said town shall be conservator of the peace, and shall have power to arrest in said town, or anywhere within Rockbridge county, upon a warrant issued by the mayor, recorder, or councilmen, any person charged with a violation of the laws or ordinances of said town; and when a violation of the laws or ordinances of said town is committed in his presence, he shall have authority and power, without warrant, forthwith to arrest the offender, and carry him before some conservator of the peace of said town to be dealt with according to law.

8. The mayor, recorder, and councilmen, and each of them, shall and may exercise all jurisdiction, civil and criminal, now by law conferred upon the justices of the peace; shall preserve peace and good order in said town, and to this end they, and each of them, shall be conservators of the peace, with all the power conferred upon conservators of the peace by chapter one hundred and ninety-one of the code of Virginia.

9. The mayor, recorder, and councilmen of said town, and each of them, upon taking oaths required by law to be taken by justices of the peace, shall each have authority and jurisdiction to hear and determine all matters which a justice of the peace would have jurisdiction, and to hear

and determine all controversies arising under the laws and ordinances of said town, and to issue any and all proper process, whether mesne or final, which may be necessary to enforce their judgment and authority.

10. The said council shall have power and authority to lay and collect, and apply to the maintenance of public free schools in said town annually a sum equal to what the inhabitants and property of said town would have to pay annually to the county of Rockbridge for public free school purposes if this act had not been passed.

11. The council shall have power to make accurate bounds of existing streets, and to compel the removal of obstructions therefrom, and to lay off and have new streets, alleys and sidewalks, and to provide and protect shade trees thereon. The council of said town shall have the same jurisdiction for condemning land for streets, alleys and sidewalks of said town as the county court has for condemning lands for roads in the county. The council shall further have power to provide against and prevent accidents by fire; to establish and regulate markets; to prevent the running at large of hogs, dogs, horses and other animals; to prevent the cumbering of streets, sidewalks and alleys in any manner whatever; to make sanitary regulations in reference to contagious and other diseases; to regulate the building of all houses, stables, privies, hog-pens and slaughter-houses; to abate nuisances at the expense of those who cause them; to restrain and punish drunkards, vagrants, mendicants and street beggars; to appoint police and prescribe their duties and compensation; and to make, pass and ordain such rules, regulations and by-laws as they may deem necessary and proper for the internal and general good, safety and health and convenience of the said town and inhabitants thereof, and for enforcing the provisions of this charter. They shall punish all violators of law by fine or imprisonment, or both, in the discretion of the officer or officers trying the offender: provided the accused shall have the right to appeal to the county court in all cases whatsoever whenever the fine shall exceed twenty-five dollars or the imprisonment exceed thirty days. The authorities of said town, with the consent of the county court entered of record, shall have the right to use the county jail whenever it may be needed by them. Whenever judgment shall be rendered against any person for fines, and there be no visible effects which the sergeant may distrain and sell therefor, the persons so in default may be compelled to work out such fines on the public streets or other improvements, and to suffer, in addition, such term of imprisonment as may be prescribed by the ordinance of said town. All fines for violation of the ordinances of said town shall be paid into the treasury of said town, and shall be appropriated as the council may determine.

12. The council may annually levy a tax for roads, streets, sidewalks and all other purposes, by a two-thirds vote, to be approved by the mayor, which on no property shall exceed thirty cents on the hundred dollars' valuation, except that on a petition of freeholders representing two-thirds of the valuation within the corporation, the council may levy a corporation tax not to exceed ninety cents on the one hundred dollars' valuation. The poll-tax shall not exceed fifty cents on each male person in any one year.

13. The mayor and council, and each member of the council, shall have power and authority to deputize any number of citizens of the town, and such as may be in town from said county, to assist the sergeant in the full discharge of his duties in all cases of riot and misdemeanors.

14. The following-named persons are hereby appointed to fill the following offices until the first day of July, eighteen hundred and ninety-three, and until their successors are duly elected and qualified, namely: John G. Meem, mayor; and councilmen as follows: W. P. Irwin, R. G. Paxton, David Funsten, J. P. Cleveland, A. D. Exall and L. C. Haden. Said person are to take their oaths of office and enter upon the discharge of the duties of their respective offices as soon as practicable after the passage of this act; and they hereby clothed with all the powers and subject to all the provisions appertaining to their respective offices herein prescribed.

15. This act shall be in force from its passage.

CHAP. 487.—An ACT amending and re-enacting section 7 of chapter 10 of the charter of the city of Lynchburg.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section seven of chapter ten of the charter of the city of Lynchburg be, and the same is hereby, so amended and re-enacted that the same shall hereafter read as follows:

§ 7. Whenever any new street shall be opened, any existing street graded or paved, or any culvert or other public improvement made, the city council may determine what portion of the expense incurred in making such improvement shall be paid by the city and what portion by the owners of real estate especially benefited thereby; and the council may order that the whole of such expense be assessed against the owners of such real estate. The assessment made against the owners of such real estate

in such cases shall be a lien on said property, and may be collected by the same officer and in the same manner as other city taxes and levies. But no such improvement shall be made, the cost of which shall be paid in whole or in part, by the owners of real estate to be benefited thereby, unless such improvement be first requested by a majority of the property-owners against whom said assessment will be made, or unless the order for such improvement be made by the affirmative vote of three-fourths of all the members of the council elected. When the whole or any part of the cost of such improvement is assessed against the owners of property specially benefited thereby, the council may, at its option, cause said assessment to be all paid in cash, or it may divide the same into as many annual instalments as it may deem proper, which instalments shall include interest, cost of collecting, and all necessary cost of the arrangement, and shall be a lien on said property and be collected by the same officer and in the same manner as other taxes and assessments. But any person owning property upon which such assessment is made, shall have the right to pay such assessment in cash instead of paying the same in such instalments. When such improvements are made and such assessment is so divided into instalments the council may cause coupon bonds of the city to be issued and sold for the purpose of raising the money to pay so much of the cost of such improvement as is assessed against the property of benefited owners. Said bonds may be made payable at such times and with such interest as the council may designate. The council shall have power by proper ordinance to provide that the instalments of such assessments made against said benefited owners for their part of the cost of such improvement shall be specially dedicated to the payment of the principal and interest of the bonds issued as aforesaid for the purpose of paying the prime cost thereof, and when such arrangement is made the fact of said special dedication shall be set forth upon the face of such bonds. For the purpose of giving effect to this scheme and of making said assessments specially meet the payment of said bonds and coupons thereto attached, the council shall have power to establish a proper sinking fund or put into operation by ordinance any other machinery requisite to that end. The bonds issued under this provision, and for the payment of which such assessments are specially dedicated, shall not be estimated in ascertaining the limit of indebtedness of the city as fixed in the first section of chapter ninth of the present charter of the city.

2. That section first of chapter eleven of the charter of the city of Lynchburg be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 1. The city of Lynchburg and its inhabitants shall be exempt from all assessments for levies in the way of taxes imposed by the authorities of Campbell or Amherst counties for any purpose whatever, except upon property in said counties owned by the inhabitants of said city, nor shall said inhabitants be liable to serve upon juries in said counties. The city of Lynchburg shall, however, have the right to own or lease land outside its corporate limits to be used for any public purpose for the benefit of its citizens; and when it is necessary for the city to acquire property for such purposes and cannot agree with the owner thereof for purchasing the same, it shall have the right to condemn the same, as is provided in such cases under chapter forty-six of the code of Virginia.

3. This act shall be in force from its passage.

CHAP. 488.—An ACT to amend and re-enact section 2494 of the code of Virginia, 1887, in relation to lien on crops for advances to farmers; nature of agreement therefor; where and in what manner docketed and the effect thereof and the clerk's fee therefor.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section two thousand four hundred and ninety-four of the code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 2494. Lien on crops for advances to farmers; nature of agreement thereof; where recorded.—If any person other than a landlord make advances, either in money or supplies, to any one who is engaged in or is about to engage in the cultivation of the soil, the person so making such advances shall be entitled to a lien on the crops which may be made or seeded during the year upon the land, in or about the cultivation of which the advances so made have been or were intended to be expended, to the extent of such advances: provided, however, that an agreement in writing shall be entered into before any such advances are made, in which shall be specified the amount to be advanced, or in which a limit shall be fixed, beyond which the advances made, from time to time, during the year, shall not go, and the said agreement be delivered to the clerk of the county court in which the land lies, and by him docketed in a book to be kept by him for that special purpose; such agreement shall be docketed by said clerk in the same manner that judgments are now required by law to be docketed, and shall have the same force and effect as if they were recorded in the deed-book, and for such service said clerk shall receive a fee of twenty-five cents.

2. This act shall be in force from its passage.

CHAP. 489.—An ACT to authorize the board of supervisors of Albemarle county to continue the salary of the county judge at the same amount allowed him under the census of 1880.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Albemarle county be, and they are hereby, authorized in their discretion to continue the salary of the judge of said county at the same amount per annum as was received by him under the United States census of eighteen hundred and eighty.

2. This act shall be in force from its passage.

CHAP. 490.—An ACT to allow Augustus Bunkley to erect a wharf and pier on Pagan creek.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That Augustus Bunkley, of the county of Isle of Wight, be, and is hereby, authorized to erect a wharf and pier in front of his farm on Pagan creek: provided said wharf and pier shall not obstruct navigation on said creek.

2. This act shall be in force from its passage.

CHAP. 491.—An ACT to incorporate the Blue Ridge Springs and Fincastle railroad company.

Approved February 29, 1892

1. Be it enacted by the general assembly of Virginia, That Francis E. Weston, secretary and treasurer of Crozer iron company; R. R. Lansford, W. N. Mitchell, T. F. Weeks, E. Burd Grubb, J. H. Lewis, T. E. Nininger, A. G. Preston, P. F. Brown, I. R. Godwin, Alfred Beckley, J. H. H. Figgat, and such other persons and corporations as may be associated with them, shall be, and they are hereby, constituted and declared to be a body politic and corporate by the name, style, and title of Blue Ridge Springs and Fincastle railroad company, and by that name shall have perpetual succession, and shall be capable of being sued and of suing in all courts of law and equity. Said company may have and use a common seal, which it may alter or renew at pleasure, and may make and adopt ordinances, by-laws, and regulations not inconsistent with the provis-

ions of this act, the laws of this state or of the United States for the government of its officers and agents and the proper conduct of its affairs.

2. That the company created by this act shall be, and it is hereby, authorized and empowered to locate, construct, maintain, equip and operate a railroad of one or more tracks, of a standard gauge, to commence at an available point on the Norfolk and Western railroad at or near the Blue Ridge Springs, in Botetourt county, and extend thence by such route as shall be by it deemed most advantageous, to a point at or near Fincastle, in said county, with power from time to time, and either before or after the completion of its principal line of railroad, to locate, construct, maintain, equip and operate such lateral branches from or extensions of its said main line not exceeding ten miles in length, as may be determined to be expedient. The said company may commence the construction of its road at any point or points on its contemplated line, and may equip and operate the part or parts so constructed with the like effect as if its whole line was then completed; and said company shall have and possess all necessary powers for constructing and completing the works by this section authorized.

3. That the capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and whenever fifty shares of said stock shall have been subscribed for and two dollars per share shall have been paid thereon, the organization of the said company may be forthwith completed by the election of directors as hereinafter provided. The said company is authorized and empowered from time to time to issue its bonds to such an amount as it may consider necessary for the purpose of locating, constructing, maintaining, operating, and equipping its said railroad and all branches and extensions thereof, and may secure the same by one or more mortgages or deeds of trust on its railroads, franchises, and income, and the real and personal estate of said corporation, or such part or parts thereof as may be designated in such mortgages or deeds of trust respectively.

4. That it may be lawful for the said company to connect its line of railroad with that of the Norfolk and Western railway company, or with the line of any other railroad which may be tapped, reached, or intersected by the line of railroad of the said Blue Ridge Springs and Fincastle railway, or any of its branches or extensions by this act authorized, upon such terms and conditions as may be agreed upon by the said last mentioned company and the company owning and controlling the line of railroad so tapped, reached, or intersected.

5. In the construction of its principal line of road, or any branch or extension, the said company is authorized to acquire title to a roadway not exceeding one hundred feet in width, and such additional land for station or terminal purposes as may be needed to accommodate its business, and the said company is expressly empowered to acquire title to all such lands by purchase, gift or condemnation.

6. The corporators mentioned in section one of this act, or such of them as accept the provisions of this charter, shall have and possess the power and authority of a president and board of directors for the purpose of organization of said company, and for all other purposes, until a president and board of directors shall have been chosen as hereinafter provided. The acts of a majority of the said corporators shall be valid, and on all questions for their determination a majority thereof shall possess the like powers as if all were present. When fifty shares of stock shall have been subscribed for, and two dollars per share paid thereon as provided by section three of this act, the said corporators, or a majority of them, shall call a meeting of said subscribers at such time and place, and upon such notice as to them shall seem proper, for the election of a president and board of directors.

7. The affairs of the said company shall be managed and conducted by a board consisting of a president and four directors, or such other number of directors as shall be prescribed by the by-laws. The president and directors shall be chosen by the stockholders, and the president shall be entitled to a vote at all meetings of the board. There shall likewise be a vice-president, to be chosen by the board from their own number, and a secretary and treasurer (who may be the same person), and such other officers and agents as the board shall determine. The duties of the president, vice-president, secretary and treasurer shall be defined by the by-laws, and the duties and responsibilities of all other officers and agents shall be defined by the board. Annual meetings for the election of a president and directors shall be held at such time and place as shall be designated by the by-laws. A failure in any year to hold such meetings and to elect a president and directors shall not work a dissolution of the said corporation or affect its legal status or existence, but the president and directors then in office shall continue therein with full power and authority until their successors shall have been duly elected, and with full power to fill any vacancy that may exist in their own number or in the office of president by reason of death, refusal to serve, or disability to perform the duties.

8. The said company, in the construction of its principal line of railroad, or any branch or extension thereof,

shall have (subject to the provisions of section one thousand and ninety-four, chapter forty-six, code of Virginia of eighteen hundred and eighty-seven) the power to cross at grade or over or under any other railroad now constructed, or which may be hereafter constructed, and which may be crossed by its line of railroad or any branch or extension thereof; and also the power to bridge with suitable bridges any stream which may be crossed by its said line of railroad, branches or extensions.

9. That the said company shall be and is invested with and possessed of all the powers conferred upon railroad corporations by the general laws of this state relating to railway companies, and is subject to all the restrictions of the same not inconsistent with this act.

10. The said company shall commence work within two years, and otherwise the powers, privileges, and franchises by this act granted and conferred shall cease, determine, and become null and void.

11. This charter shall at all times be subject to amendment or repeal at the pleasure of the general assembly; and it is agreed that said company takes and accepts this charter of incorporation upon the express understanding and condition that the said corporation will pay all taxes, dues, and demands due the state at any time hereafter in lawful money of the United States, and will not tender or pay coupons therefor.

12. This act shall be in force from its passage.

CHAP. 492.—An ACT to authorize the board of supervisors of Elizabeth City county to tax sale of liquor in said county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Elizabeth City county be, and are hereby, authorized and empowered to levy a license tax for the privilege of selling wine, ardent spirits, and malt liquors in the said county; and it shall be lawful for the said board to levy the said tax for the same privileges, and upon the same conditions as are provided by law for the levy of the state tax for the sale of wine, ardent spirits, and malt liquors: provided the tax levied by the said board shall in no case be greater than the tax required by law to be paid to the state for the like privilege.

2. That when the said board shall lay the levy for the said license tax, it shall be the duty of the commissioner of the revenue of Elizabeth City county to include the

amount of the said levy in the application of every person who shall apply for a license to conduct any business, including the sale of wine, ardent spirits, malt liquors, or any mixture thereof; and it shall not be lawful for the county court of Elizabeth City county to grant any license for the conduct of such business until the said tax shall have been paid to the treasurer of the said county, and his receipt therefor produced in court; and the commissioner of the revenue shall return to the clerk of the said board an accurate list of the licenses so granted, and the amount of each, and he shall receive for his compensation one and one-half per centum on the aggregate amount thereof, to be paid out of the proceeds of the said tax.

3. That the proceeds of the said tax, or so much thereof as may be necessary for the purpose, shall be appropriated and expended under the orders of the county court of Elizabeth City county for public purposes, and for the prevention and detection of crime in the said county; and if, at any time, there shall be any surplus, not needed by the said court for the purposes aforesaid, in the hands of the treasurer, arising from said tax, it shall be appropriated in such manner as the said board of supervisors may direct.

4. That the treasurer of the county shall account to the said board for any money received by him under this act, after deducting three and one-half per centum for his services.

5. This act shall take effect from its passage.

CHAP. 493.—An ACT to amend and re-enact an act entitled an act to incorporate the Fredericksburg street railway company, approved April eleventh, eighteen hundred and eighty-seven.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That George H. Carpenter, George W. Silsby, Joseph B. Ficklen, Hans A. E. C. Von Schon, and William S. White, and their associates, successors, and assigns, be, and are hereby, constituted a body corporate and politic, by the name of the "Fredericksburg street railway company," and as such may have all the privileges, franchises and immunities applicable to such a corporation.

2. The said company shall have the power and authority to construct, equip, maintain, and operate a street railway along the streets of Fredericksburg, with the consent of the common council of said city, and into any adjoining county, on the county roads of said county, with the consent of the county court of said county.

3. It shall be lawful for the said company to transport passengers, freights, and baggage over the line of their railway, and to collect fares and tolls for the same.

4. The capital stock of the said company shall not be less than five thousand dollars, or more than one hundred thousand dollars, divided into shares of one hundred dollars each. Stockholders shall be entitled to one vote for each share of stock held by them.

5. The said company may acquire and own real estate in the city of Fredericksburg and adjoining counties not to exceed one hundred acres, and the principal office shall be in Fredericksburg.

6. Said company shall have the power and authority to lease its said road, to borrow money for the uses of the corporation, and to secure such loans by deed of trust or mortgage on all or part of its estate, franchises, or income, and to make and adopt such rules, regulations, and by-laws as may be necessary for the successful operation of said company, and generally to do any and all acts expedient and necessary for the practical working and maintaining of said company: provided the same shall not conflict with the laws of this state or the United States, or any ordinances of the city of Fredericksburg.

7. Said company shall have power to receive subscriptions for stock, to give certificates for same, and when five thousand dollars of stock shall have been subscribed for, then said company may proceed to organize in the mode usually adopted by such companies. Stockholders shall only be liable to the extent of stock held by them.

8. The said company shall have the power to purchase the charter, property rights, franchises, privileges, and stock of the Rappahannock electric light and power company or such other electrical companies in Fredericksburg as it may deem necessary and consolidate the same, issuing an amount of capital stock equal to the maximum amount authorized by the several charters, or to own, build, equip, maintain, and operate an electric railway, light, power, and heating plant for the purpose of supplying light, power, and heat to houses, streets, factories, and such other persons or business enterprises as may desire the same in the city of Fredericksburg and adjoining counties.

9. The said company shall have the power to build, equip, own, and operate a telephone plant, exchange, and line in the city of Fredericksburg and the adjoining counties.

10. The corporators named herein shall constitute the board of directors for the first year, who shall, upon the organization of the company, elect its officers and manage the affairs of said company for the first year.

11. All dues and demands due the commonwealth shall be paid in lawful money of the United States, and not in coupons.

12. This charter shall be subject to repeal or amendment at the pleasure of the general assembly.

13. All acts or parts of acts inconsistent with this act are hereby repealed.

14. This act shall be in force from its passage.

CHAP. 494.—An ACT to provide for the working of the public roads in King George county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the court of the county, by commissioners appointed for the purpose by the court for each magisterial district, said commission for each district to be composed of the supervisor for the same and two freeholders resident therein, shall divide into precincts all the county roads, said commissioners to receive one dollar per day for their services and shall appoint, as often as necessary, a surveyor for each precinct who shall hold his office until another be appointed in his stead, unless he remove from the precinct where appointed, in which case his office shall be vacated. The clerk of the court shall, upon such appointment, issue a writ to the sheriff commanding him to give information thereof to the person so appointed, which writ the sheriff shall execute and return to the court at the succeeding term. The clerk shall moreover annually, at March court, post at the front door of the court-house, a list of the precincts and of the names of the surveyors and the hands on each road. The clerk or sheriff failing in such duty shall forfeit therefor five dollars. Any person appointed by the court under this section who shall refuse to accept and perform the duties of surveyor under this section, without sufficient cause, shall be fined not more than twenty dollars, recoverable as other fines under the laws of the state.

2. Any person after being surveyor for two years may give up his office, if his road be in good order, and shall not, within two years thereafter, be appointed surveyor without his consent.

3. Every such surveyor shall superintend the roads in his precinct, cause the same to be kept cleared, smoothed of rocks and obstructions, of necessary width, well drained and otherwise in good order and secure from the falling of dead timber therein. He shall cause to be placed and kept at the fork or crossing of every road a sign board, on which shall be stated, in plain letters, the most noted place to which each road leads. and across

every stream, where it is necessary and practicable, a sufficient bridge, bench or log for the accommodation of foot passengers. When any more important bridge or causeway is necessary, and it is practicable for him to have it made, he shall cause it to be made twelve feet broad at the least, and safe and convenient. Every bridge or causeway in his precinct shall be kept by him in as good order as the means in his power will permit; and for all these purposes he shall have power, and it shall be his duty to enroll all persons liable to road service, who are not exempt by law, and who shall have resided ten days within the boundary from which his hands are allotted.

4. The county court of said county, upon the motion of any road surveyor in any magisterial district therein, or whenever, in the opinion of the judge thereof, a necessity therefor exists, shall appoint three discreet freeholders from such district to lay off, alter or rearrange any precinct or precincts therein, and to allot the hands to work on the same. They shall report to court, as soon as may be, their action in the premises. The report shall be filed for exceptions, and at the next term of the court any person who thinks himself aggrieved thereby, may appear, and for good cause shown have the same altered or amended, otherwise it shall stand confirmed. The said commissioners shall receive each one dollar per day for their services, payable out of the county levy.

5. All male persons in said county shall be compelled to work three days on some public road, in the district in which he may reside, with the following exceptions, namely: Ministers of the gospel and persons under sixteen and above sixty years of age; persons who reside in a town that provide for its poor and keeps its streets in order; any person who has lost a leg or an arm; and any other person who is otherwise disabled, may be exempted on certificate of the county court of such disability. No person shall be required to work on the public roads more than two days in the same year, without receiving for each day's work so done, seventy-five cents, to be paid out of the county levy. It shall be the duty of each road surveyor to keep a list of the numbers who are subject to work on the public roads by law, and to keep a record of each day's work done by every party on the road; and it shall not be lawful to call on any one person twice until every one who is required by law to work at least two days or pay a fine of seventy-five cents per day for failing to do so. After each person, who is required to work on the public roads, has done so three days, if it shall then appear that this is not sufficient to keep the roads in good order, the road surveyor shall have the right to call out to work on the roads as many persons as in his judgment is necessary to keep the roads in good condition, and it shall be the duty of the

said surveyor to give to each party a statement, showing how many days he or they have worked extra. The party or parties holding such certificate from the road surveyor of his district, shall present the same to the board of supervisors, at their annual meeting, for the approval of the board. After the bill has met the approval of the board of supervisors, the bill, or warrant, shall be good for all debts and demands against the county, except free school funds. The day for work mentioned in this section shall not be less than eight hours.

6. Every person required to work on the public roads shall, either in person, or by a sufficient substitute, when notified by the proper surveyor, attend with proper tools, and work the road on such days as the surveyor may direct. For every day on which there may be a failure a fine of seventy-five cents shall be paid to the surveyor within thirty days thereafter by the person in default, if of full age, or if an infant, by his parent or guardian. If the fine be not paid to the surveyor within the time above specified he shall make out a ticket against such delinquent party for the amount thereof with an addition of ten per centum for costs, which ticket shall be placed by him in the hands of the constable of his district or the sheriff of the county for collection: provided, however, that such delinquent may, after notice to such surveyor, apply to the county court, or judge thereof, in vacation, or to the supervisor of his district, and for good cause shown, have said fine released or remitted; or such delinquent may, before the ticket goes into the hands of the constable or sheriff, discharge the fine by labor upon his road precinct. Any surveyor who shall fail, after the lapse of thirty days, to place the tickets hereinbefore provided for in the hands of the constable or sheriff for collection, shall be fined not less than five dollars, and the officer in whose hands said claim is placed, shall have power to collect the same in the mode prescribed for the collection of taxes and county levies. He shall account to the surveyor for all such fines collected by him, dividing the costs collected equally with the surveyor, and return to the clerk of the county court annually at the March term a list of all fines so collected, with the names of the surveyors to whom the same have been paid; and the clerk shall file the same in his office. And the said officer, upon failure to collect said fine in any case where it is practicable, shall be fined not less than five dollars. And in any case where he is unable to collect said fine he shall make due returns of the reasons therefor to the clerk of the court, as in the case of the collections of fines, which return shall be submitted to the court by the clerk to determine upon its sufficiency. And in case of failure on the part of the surveyor to perform his duty under this section, in addi-

tion to the fine hereby imposed, the amount of the fine imposed upon the hand shall be deducted from his claim for services against the county. And the officer, for any failure to perform his duty under this section, shall be responsible upon his official bond.

7. The board of supervisors shall, by order entered upon their minutes, fix the pay for all horses and plows, all horses and wagons, all carts and oxen, and all other vehicles, implements, and teams hired to work the public roads, at so much per hour and day.

8. Every road surveyor, in addition to what is required of him by this act, shall report to the county court at the March term thereof in each year an exact account, verified by oath, of all moneys received by him, by virtue of his office, during the past year. The account shall specify the amount expended by him, the manner in which the same has been expended, and the balance, if any, remaining in his hands. He shall apply such balance to the use of his road precinct, as said court may direct, or turn over the same to his successor in office, who shall in like manner account therefor in the next annual report. He shall also embrace in his report the number of days in the past year during which he and his hands were engaged in working the roads of his precinct, what alterations, improvements or repairs he may think should be made during the ensuing year, the probable cost of the same, and any other matters or suggestions in relation to his precinct which he may deem pertinent or which may be required of him by the court. It shall be the duty of the clerk, after said report has been examined by the court, to label and file the same in his office.

9. The supervisor of each magisterial district shall be a road inspector, and shall inspect the roads in his district at least twice a year, and, after such inspection, shall make all necessary suggestions to the several surveyors of his district as to repairing, improving and keeping in order their respective roads, and shall report to the court at the June and November terms thereof, all the suggestions so made to the surveyors, whether the same have been carried out or not, and all the delinquencies on the part of the surveyors, and all matters which they may, in their judgment, deem necessary to enable the court to have the roads put and kept in proper repair. The said supervisors shall receive for their services hereunder the sum of ten dollars, each, per annum.

10. Every surveyor of a road shall be entitled to receive for summoning hands to work on the public roads a sum not exceeding five cents for each hand summoned, the same to be fixed by the board of supervisors, and he shall receive, in addition thereto, the sum of seventy-five cents per day for each day over two in any one year which he

may supervise the working of the road. Every surveyor shall present his account for services under this act, together with all expenses incurred by him in working the roads under his charge to the court at its December term, verified by his oath and certified to by at least two freeholders of his road district that the services, work and expenses therein set forth were actually rendered and incurred, and that the same were necessary, which shall, if allowed by the court, be certified by it to the board of supervisors.

11. All fines imposed by this act shall be collectible as penal fines under the laws of this state.

12. All expenses necessary to carry out this act shall be paid out of the county levy.

13. The general laws of this state in reference to public roads, not in conflict with this act, shall remain in force in King George county, and all acts or parts of acts inconsistent with this act are hereby repealed.

14. This act shall be in force from its passage.

CHAP. 495.—An ACT to amend and re-enact clause 4 of section 1 of an act approved February 24, 1874, entitled an act to give effect to a compromise of the litigation in respect to the construction and effect of the will of Samuel Miller, deceased, and to establish the manual labor school provided for in the twenty-fifth clause of said will as amended by acts approved on the 2d day of April, 1877, and on the 19th day of February, 1884, respectively.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the fourth clause of section one of an act approved February twenty-four, eighteen hundred and seventy-four, entitled "an act to give effect to a compromise of the litigation in respect to the construction and effect of the will of Samuel Miller, deceased, and to establish the manual labor school provided for in the twenty-fifth clause of the said will" as amended by an act approved the second day of April, eighteen hundred and seventy-seven, and as further amended by an act approved on the nineteenth day of February, eighteen hundred and eighty-four, be amended and re-enacted so as to read as follows:

Clause four.—The corporation created by clause one shall hold the legal title to all the property dedicated by the will of Samuel Miller, and by the compromise aforesaid, to the said manual labor school, and all other property hereby acquired by it, for the use and benefit of said school. The board of education shall discharge in respect to the said fund all the duties devolved and shall

exercise all the powers conferred by said twenty-fifth clause of said will upon the board of the literary fund. The second auditor shall discharge all the duties devolved by said clause upon him, and is hereby authorized to receive the compensation thereby provided.

The county court of Albemarle is authorized and required, sitting in term, to discharge, by orders entered in a record book to be kept by the clerk of said court specially for that purpose, all the duties devolved and exercise all the powers conferred by the said twenty-fifth clause upon the county court of said county.

The charges and expenses attending the establishment and support of said school, including the purchase of land (should any be purchased), the erection of buildings, the feeding, clothing and education of the pupils, the charges for medical attendance upon them, and everything incident thereto and connected with the said school shall, when examined, allowed and certified by the said county court of Albemarle county and approved by the board of education, be paid by the said board of education out of the income and profits of the trust fund created by the twenty-fifth clause of the said will. The record-book aforesaid shall be provided from the fund, and the clerk of the said court shall receive for keeping the same fees allowed by law for orders in the order-book of said court, to be paid out of the said income and profits as other claims are provided to be paid.

And for the duties imposed upon the said county court, and for the services required to be rendered by the judge thereof, every such judge shall receive compensation in addition to his regular salary, and the amount of such compensation shall be fixed by the said board of education for each year, commencing with the date of the approval of this act, and shall be paid by the said board out of said income and profits in the manner provided for the payment of other claims, as a part of the expenses necessary for the execution of the trust; but the same shall never, in any case, exceed the sum of six hundred dollars per annum.

And the district school trustees of the respective school districts of the said county and of the city of Charlottesville shall meet semi-annually on the first Tuesday after the first Monday in January and July, or if from any cause they fail to meet on such days, or either of them, at such times thereafter as the county court may appoint, at the school, unless some other place of meeting within said county or city be fixed by them, and select and designate, subject to appointment by the county court, as provided for in the twenty-fifth clause of said will, as pupils of the said school those described in the said clause and required by the testator to be so selected. At such meeting a ma-

jority of all the school trustees for said county and city shall constitute a quorum for business, and, a majority failing to attend, those present may adjourn from day to day, or from time to time, until a quorum shall attend.

The county superintendent of schools and the clerk of the county court shall be (ex-officio) the chairman and secretary, respectively, of such meetings, but those officers, or either of them, being absent, the meeting may elect from its members a chairman or secretary, or both, pro tem. The said clerk, acting as secretary, shall have no vote, and the superintendent of schools, acting as chairman, shall vote only in case of a tie. The secretary shall keep a minute and accurate account of the proceedings at all of said meetings in a well-bound book, which shall be kept by him, except when needed at the semi-annual meetings of the trustees, in the county court clerk's office, open to inspection in the same manner as the other records in said office. To the terms of the county court of Albemarle, immediately succeeding such meetings, the said trustees shall have written reports of the pupils selected by them, specifying the length of time they shall respectively continue in the school. Such reports may be made by their chairman and secretary.

The pupils so selected, when appointed by the county court, shall be subject to the discipline and to all the rules and regulations adopted for the government of the school, and may, at any time, be honorably discharged, or be expelled for cause, by the said county court, or by the judge thereof in vacation, on the recommendation of the visitors of the said school. For the services required by this act, the superintendent of schools, acting as chairman, and each trustee, shall receive five dollars for each semi-annual meeting actually attended, and the secretary shall receive ten dollars per annum, to be paid out of the income and profits of the fund in the manner provided for the payment of other claims.

2. This act shall be in force from the date of its passage.

CHAP. 496.—An ACT to incorporate the Disciples' union of Richmond and Manchester.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That Jabez Hall, W. L. Porter, E. A. Cole, L. A. Cutler, W. E. Smith, H. M. Tyler, W. F. Fox, C. E. Moore and J. P. Thomas, and such others as are now or may hereafter be associated with them, and their successors, shall be,

and they are hereby, constituted a body politic and corporate under the corporate name and style of Disciples' union of Richmond and Manchester.

2. The object of this corporation shall be to establish, maintain and foster mission Sunday schools and churches within the cities of Richmond and Manchester, and the counties of Henrico, Hanover and Chesterfield, in the name of this corporation; to co-operate with other organizations, individuals, churches and societies, or obtain the co-operation of such with it, for general effort in promoting Christianity and the welfare and advancement of the churches now embraced or which may hereafter be embraced in this union.

3. The said corporation may take and hold any estate, money, property or effects which may be of value in promoting the objects of the corporation, and may acquire the same by gift, donation, lease, loan, purchase, devise or bequest: provided that it shall not hold, at any one time, property of any kind to an amount exceeding one hundred thousand dollars nor more than two hundred acres of land at any one time.

4. The said corporation shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have power to make and adopt a constitution and by-laws, rules and regulations for the admission and expulsion of its members and their government, the election of its officers and agents, and the defining of their duties, the fixing of their salaries, and so forth, and provide for the safe-keeping and use of its property and funds, and from time to time to amend such constitution, and to add to, alter, or rescind such rules and regulations, and generally to do every act and thing necessary or useful to carry into effect this act, or to promote, encourage, and effect the objects and purposes of this incorporation; provided, the same be not in conflict with the constitution and laws of this state or of the United States.

5. This act shall be in force from its passage, and be subject to repeal, alteration, or amendment by the general assembly.

CHAP. 497.—An ACT to authorize the supervisors of Warren county to borrow twelve thousand dollars, to be used in the building of a bridge over one or each branch of the Shenandoah river at Riverton, in said county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Warren county be, and it

is hereby, empowered to borrow, upon the credit and faith of the county of Warren, and to appropriate towards the erection of a bridge over one or each branch of the Shenandoah river, at Riverton, in said county, such sum or sums of money as said board may think proper: provided said sum, so borrowed and appropriated, do not exceed the sum of twelve thousand dollars.

2. The said board of supervisors may issue the registered bonds of said county, in sums of five hundred dollars each, or any multiple thereof, payable in twenty years from their date, or upon call of the said board of supervisors at any time after five years from their date, bearing interest at not exceeding six per centum per annum, the interest to be paid on the first July and first January of every year. The said bonds shall be signed by the chairman of the board of supervisors, be countersigned by the county clerk, and have the seal of the county attached.

3. The said bonds, when so issued, may be delivered for negotiation to such agent or agents as said board of supervisors may select; but before such delivery of said bonds to said agent or agents, he, or they, as the case may be, shall execute bond, with good security, in such penalty as the said board of supervisors may think reasonable, conditioned for the faithful discharge of their trust as such agent or agents.

4. Said bonds shall be negotiated at not less than par, and the proceeds thereof shall be paid into the hands of the treasurer of Warren county, to be held, and paid out by him, upon the order of the board of supervisors; and said treasurer and the sureties on his official bond, as such treasurer, shall be held responsible for said money in the same manner as for other county funds coming into his hands. For his services in receiving and paying out said money the said treasurer shall receive two per centum on the amount so received and paid out. The agent, or agents, if any be appointed under section three of this act, shall receive such compensation for his or their services herein as may be agreed upon by them and the board of supervisors of said county not exceeding two per centum upon the amount of bonds negotiated.

5. The board of supervisors of said county of Warren shall embrace in their annual levy a sum sufficient to pay the annual interest on said bonds; and shall also provide by levy, from year to year, a sinking fund of not exceeding ten cents on the one hundred dollars of taxable property within the said county; which sinking fund shall be securely invested by the said board of supervisors, in such securities as they may think safe, the same to be applied to the payment of said bonds at the time when they may be payable.

6. This act shall be in force from its passage.

CHAP. 498.—An ACT to quiet titles to real estate in the commonwealth.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That in all cases where a husband and his wife have signed a writing purporting to convey any real estate, and such writing has been admitted to record in the proper clerk's office upon a certificate of acknowledgment, taken by an authorized officer, which was defective or imperfect under the laws of Virginia then in force, and the purchase money has been paid by the purchaser, and the grantee has remained in quiet and undisturbed possession of the said real estate under the said writing for ten years after the date of its recordation, the said writing shall operate to convey from the wife her right of dower in the real estate embraced therein, and pass from her and her representatives all right, title and interest of every nature (purporting to be conveyed by the said writing), which, at the date of such writing, she may have had in any real estate conveyed thereby, as effectually as if such writing had been acknowledged, certified and admitted to record in strict conformity with the laws then in force: provided, however, that any person interested may, within two years after the passage of this act, or the expiration of the ten years aforesaid, institute proceedings to impeach such writing and have the validity thereof and the rights of all persons determined according to the laws in force at the date of such acknowledgment and recordation; and any married woman or other person interested, whether a resident or non-resident of Virginia, may in her own name or by a next friend, institute such proceedings within the period hereinbefore named, but not thereafter.

2. This act shall be in force from its passage, and all acts are hereby repealed so far as they are in conflict with this act.

CHAP. 499.—An ACT to incorporate the Winchester, Fredericksburg and Norfolk railroad.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That Frank W. Smith, E. Louis Kuhens, James M. Stewart, Thomas P. Wallace, William B. Taliaferro, Walter J. Anderson, J. N. Stubbs, E. Holmes Boyd, George H. Chewning, J. P. Jeffries, W. R. Aylett, James E. Heath, and

such other persons as may be associated with them, their successors and assigns, be, and they are hereby, constituted a body politic and corporate, under the name and style of the Winchester, Fredericksburg and Norfolk railroad company, for the purpose of constructing, equipping, maintaining and operating a railroad from the city of Winchester, in the state of Virginia, to the city of Fredericksburg, in the said state of Virginia, thence through the counties north and east of the Mattaponi river to Gloucester Point, in the county of Gloucester, or West Point, in the county of King William, or to some point on the Potomac river as may be adopted by said company, with power to extend such line by means of steam vessels or other water transportation to the city of Norfolk, Virginia.

2. The capital stock of said company shall not be less than one hundred thousand dollars, divided into shares of one hundred dollars each, and the board of directors may from time to time, at their discretion, increase said capital stock to an amount not to exceed two million of dollars; and before this company shall be deemed to be fully organized at least ten thousand dollars shall be subscribed and twenty-five per centum thereof paid in. Each share thereof will entitle the holder to one vote in all meetings of the stockholders, and the company may receive real and personal property suitable for its business in payment of subscriptions to the capital stock at such valuations as may be agreed upon between the board of directors and the subscribers thereto.

3. After the passage of this act the corporation heretofore mentioned, or any five of them, may, after two weeks' notice in the newspapers of Winchester and Fredericksburg, in one newspaper in each city, meet together and organize the said company by electing a board of directors of not less than five nor more than thirteen, who shall hold office for one year, and shall choose from their own number one who shall be president of the board and company. The board of directors may fill any vacancy in their own body or the office of president, whether such vacancy occur by death, resignation, or otherwise, and shall elect such other officers as may be necessary to carry on the business of the company.

4. As soon after the passage of this act as they may choose, the board of directors may meet together and take such steps as they may deem proper to secure subscriptions to the capital stock of the company, and as soon as the minimum amount of said capital stock shall have been subscribed and two per centum thereof paid in, the board of directors may proceed to organize the said company, adopt by-laws for the government of the company, and take such further action as the interest of the company

may require; and thereupon the said company shall be deemed to be duly organized, and shall have all the general powers and be subject to such restrictions as are conferred and imposed upon corporations and chartered companies by the laws of Virginia.

5. The by-laws of said company shall prescribe the times and places of the meetings of the stockholders, and all the time and method of giving notification of such meetings, but the same shall be changed at the discretion of the board of directors.

6. The said company shall have power to borrow money for its purposes and to secure the same by mortgage or mortgages upon its works, franchises, and income.

7. That the said corporation, by its said name aforesaid, may sue and be sued; plead and be impleaded unto in any court of law and equity in this state or elsewhere when their rights may come in question; may have and use a common seal, and the same use, renew, and destroy at pleasure.

8. This act shall be subject to amendment or repeal at any time by the general assembly, and all taxes due and demands due, or to become due to the state of Virginia shall be paid in lawful money of the United States, and not in coupons.

9. Work on this road shall begin within two years, and the road shall be completed in five years from the date of this act.

10. This act shall be in force from its passage.

CHAP. 500.—An ACT to authorize a deed for a portion of the land belonging to the congregation of St. Peter's church, at Churchville, in Augusta county.

Approved February 29, 1892.

Whereas the congregation of Saint Peter's church (Lutheran), at Churchville, Augusta county, through its trustees, sold to G. W. W. Hanger, a small portion of its church lot in the village of Churchville, in the county of Augusta, in September, eighteen hundred and eighty-eight, and now desire to make a deed for same to purchaser thereof; therefore,

1. Be it enacted by the general assembly of Virginia, That J. H. B. Sellars, Henry B. Seig, and John Roudabush, trustees for Saint Peter's church, at Churchville, Augusta county, or any two of them, are authorized to convey by deed, with special warranty of title, to G. W. W. Hanger, a strip of land twenty-four feet wide on the western side of the lot of land held and owned by said

congregation in the village of Churchville, in Augusta county, said deed to be delivered to said purchaser in accordance with the terms of said purchase.

2. This act shall be in force from its passage.

CHAP. 501.—An ACT to incorporate the Norfolk safe deposit and trust company.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That Douglas H. Gordon, Walter H. Taylor, E. V. White, A. H. Taylor, E. H. Smith, John Redwood, and Alfred P. Thom, or such of them as may accept the provisions of this act, and all other persons who shall hereafter become stockholders in the company hereby incorporated, shall be, and they are hereby, constituted a body politic and corporate by the name and style of the Norfolk safe-deposit and trust company, and by that name shall have perpetual succession and a common seal, which they may alter or amend at their pleasure, and may sue and be sued, plead and be impleaded, contract and be contracted with, purchase, hold, and grant estates, real and personal, and make ordinances, by-laws and regulations, consistent with the laws of this state and of the United States, for the government of all under their authority, for the management of their estates, and the due and orderly conduct of their affairs.

2. In addition to the general powers of corporations and those above mentioned, the corporation hereby created shall have power—

First. To receive and keep on deposit all such valuables, gold, silver, or paper money, bullion, precious metals, jewels, plate, certificates of stock, or evidences of indebtedness, deeds or muniments of title, or other valuable papers of any kind, or any other article or thing whatsoever that may be left or deposited with them for safe-keeping, and to charge such commissions or other compensation therefor as may be agreed upon or may be proper, and generally to transact and perform any and all business relating to such deposit and safe-keeping, or preservation of all such articles or valuables as may be deposited with them as aforesaid.

Second. To accept the appointment and discharge the duties of executor, administrator, curator, guardian, committee, receiver, trustee, or assignee to take and accept by grant, assignment, transfer, devise, or bequest, and hold any real or personal estate, or any and all such trusts as

are allowed by the laws of this state in the case of a natural person, and to execute all such trusts in regard to the same on such terms as may be declared, established, or agreed upon in regard thereto; to act as agent for the purpose of issuing, registering, or countersigning the certificates of stock, bonds, or other evidences of debt of any corporation, association, municipality, state, or public authority, on such terms as may be agreed on; to accept and execute trusts for married women in respect to their separate estate, whether real or personal, and to act as agents for them in respect to the management thereof, and generally to accept and execute trusts of any kind and every description that may be committed or transferred to them, with their assent, by any person or persons whomsoever, or by any copartnership, body corporate or public, or by any court, whether of this or any other state, or by any court of the United States.

Third. To invest their capital stock and such other moneys or funds as may come into their possession, in the course of their business or dealings on such security, real or personal or mixed, or in such estates, real or personal or mixed, as they may deem best, and to take, have, hold and enjoy all such estates, real, personal and mixed, as they may deem best; and to take, have, hold and enjoy such estates, real, personal and mixed, as may be obtained by the investment of their capital stock and such other moneys or funds as aforesaid, and the same to sell, grant, mortgage, encumber, lease and dispose of at pleasure, and to execute, acknowledge and deliver all deeds and other instruments concerning the same.

Fourth. To carry on the business of banking in all its branches, and to exercise all such incidental powers as may be necessary thereto, whether by buying, selling, making, drawing, discounting, or negotiating promissory notes, drafts, bills of exchange, bonds and other evidences of debt, by receiving deposits, by buying and selling exchange, coin and bullion; by loaning money and taking security, real or personal, therefor or otherwise.

Fifth. To guarantee the titles to property, real or personal, the punctual performance of contracts, the payment and collection of promissory notes, bills of exchange, bonds and other evidences of debt, deeds of trust, mortgages, accounts, claims, rents and annuities.

Sixth. To take, charge and receive for the performance of any of the services contemplated by this charter such commission or other compensation as is customary and proper, or as may be agreed upon.

3. The capital stock of said company shall be not less than one hundred thousand dollars, nor more than one million dollars, divided into shares of one hundred dollars each, and the incorporators, or a majority of them,

named in this act, shall have power to open books for subscription at such times and places as they may deem expedient, and when not less than one hundred thousand dollars have been subscribed, and when fifty per centum thereof has been paid in, the stockholders may elect seven or more directors to serve until the ensuing annual election, or until their successors have been duly elected and qualified, and the directors so elected of said company, or such officers and agents as they shall appoint for the purpose when said company shall have been organized, may and they are hereby authorized and empowered to have and to exercise in the name and on behalf of the company, all the rights and privileges and corporate powers conferred on said company by this act; and in case the capital stock shall at first be less than the maximum above provided for, the stockholders may, by a two-thirds vote, in special meeting to be called for the purpose, increase the capital stock to an amount not exceeding one million dollars, in which event each person, who is a stockholder at the time of such increase, shall be entitled to such proportion of the new stock, as the old stock held by him bears to the original issue: provided he pays the par value of such new stock.

4. The directors shall be elected annually by the stockholders on the second Tuesday of January, or as soon thereafter as convenient, and they shall elect from their number, at the first meeting of the board after their election a president, a cashier, and shall also have power to elect a vice-president and to appoint and employ such other officers, clerks, and agents and attorneys as the business of said company may from time to time require. All elections shall be by ballot, and at such elections and at all meetings of stockholders every stockholder shall be entitled to one vote for every share of stock held by him. Notice of any general or special meeting of the stockholders may be given by advertisement for ten days in two newspapers published in the city of Norfolk, and it shall not be necessary to state in such advertisement the special business to be transacted at such meeting, except that mention shall be made in such advertisement that the question of the increase of the capital stock of said company is to be considered at such meeting, before such meeting shall have power to increase the same. The stockholders in meeting shall have power to provide for the manner of holding elections.

5. The board of directors shall have power to declare such dividends of profits of said company as they may deem proper: provided that no dividend shall be declared when the capital would be thereby impaired.

6. In all cases where application shall be made to any court of this state for the appointment of any receiver,

trustee, curator, administrator, assignee, special commissioner, guardian of any minor or committee of any lunatic, it shall be lawful for such court, if it shall think fit, to appoint the "Norfolk safe deposit and trust company," with their assent, such receiver, trustee, curator, administrator, assignee, special commissioner, guardian or committee; and it shall be lawful for such court to allow the company to qualify as executor of any will without taking the oath required by law, and the accounts of said company, in such fiduciary capacity, shall be regularly settled and adjusted as if they were a natural person; and upon such settlement or adjustment all proper, legal and customary charges, costs and expenses shall be allowed to said company for their services, care and management in the premises; and the said company, as such receiver, trustee, curator, administrator, executor, assignee, special commissioner, guardian or committee, shall be subject to all orders or decrees made by the proper tribunal under the laws of this state: provided nothing contained in this act shall be construed to authorize the court of any county of this state, outside of the cities of the state, to appoint this company a fiduciary, and this company shall not be accepted as surety for any officer of this state on his official bond.

7. When any court shall appoint the said company as receiver, trustee, curator, administrator, assignee, special commissioner, guardian or committee, or shall allow their qualification as executor, or shall order the deposit of money or other valuables, of any kind, with said company, the capital stock shall be taken and considered as the security required by law for the faithful performance of their duties: provided the said court shall not deem it necessary to require further security. The corporation court of the city of Norfolk may, if it deem it necessary, from time to time examine the officials or employees of this company, or such of them as it sees fit, on oath or affirmation, as to the security afforded to those by or for whom the company's engagements are held; and the expenses of such investigations shall be defrayed by said company.

8. Any curator, executor, administrator, guardian, committee or other trustee or public officer having control of any bonds, stocks, securities, moneys or other valuables belonging to others, shall be, and he is hereby, authorized to deposit the same for safe-keeping with said company.

9. For the better preservation and safe-keeping of such articles or valuables as may be deposited with them for safe-keeping, this company shall construct, erect, purchase or provide such fire and burglar-proof building, vaults, iron or composition safes, or other means, as may be or become necessary.

10. All taxes due the state of Virginia by this company shall be paid in lawful money of the United States, and not in coupons.

11. The stockholders shall not be personally liable for any debt or default of said corporation beyond their respective unpaid subscriptions to the stock.

12. The board of directors of said company shall have power to enact and adopt such rules, regulations and by-laws for the management and government of this corporation as they may deem advantageous to the interest thereof: provided the same are not contrary to law.

13. This act shall be in force from its passage.

CHAP. 502.—An ACT to extend the time of settlement of the sureties of P. T. Beamer, late treasurer of Carroll county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the time for the settlement of any sum due from the sureties of P. T. Beamer, late treasurer of Carroll county, to the commonwealth of Virginia, be extended to the first day of October, eighteen hundred and ninety-two, and the auditor and attorney-general are hereby directed not to bring any legal proceedings against the said sureties until after said time.

2. This act shall be in force from its passage, and only on condition that the sureties of said P. T. Beamer shall file with the auditor of public accounts their written assent to the provisions of this bill.

CHAP. 503.—An ACT to authorize and empower the East Hampton development company to construct a bridge across Hampton river, in the county of Elizabeth City, and to construct, equip, and operate a railroad from its lands in said county across said bridge into the town of Hampton.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the East Hampton development company, a corporation duly chartered by order of the judge of the circuit court of Elizabeth City county, entered in vacation, on the fifth day of November, one thousand eight hundred and ninety, with its principal office in the town of Hampton, in said county, shall have power and authority to construct

and maintain a bridge not exceeding thirty feet in width across Hampton river, in the county of Elizabeth City, state of Virginia, at a point above or north of the Chesapeake and Ohio railway company's bridge, from the lands of the said East Hampton development company on the eastern side of said river, to the lands of the said East Hampton development company on the western side of said river.

2. That the said East Hampton development company shall have power and authority to construct, equip, operate and maintain a railroad, to be propelled by steam, electricity, or horse or mule power, from its lands in the said county across said bridge into the town of Hampton, in the said county: provided, however, that such railroad shall not cross the tracks of the Chesapeake and Ohio railway company without the consent of the said company, or the tracks of the Hampton and Old Point railway company without the consent of said company.

3. That the said East Hampton development company may construct, maintain and operate its said railroad line along and on the public roads of the said county of Elizabeth City, with the consent of the board of supervisors of the said county, and along and on the public streets and alleys of the said town of Hampton, with the consent of the council thereof.

4. That this act shall be in force from its passage.

CHAP. 504—An ACT to amend and re-enact section 3122 of the code of Virginia in relation to the opening of a court and making provision for its sessions where it fails to meet on the day appointed or to which it adjourned.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That section three thousand one hundred and twenty-two of the code of Virginia be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 3122. Provision for opening a court, or for its sitting where it fails to meet on day appointed or to which it is adjourned.—Though a court be not held on the first day of a term, it may nevertheless be opened on any subsequent day if, in the case of a circuit, county, or corporation court, the same be done before four o'clock in the afternoon of the third day. After a court, other than a corporation court, is opened, it shall during the term adjourn from day to day, and not otherwise; and if it fail to sit on any day to which it is adjourned, it may nevertheless sit on any subsequent day of the term: provided, in

the case of a circuit or county court, there shall not be more consecutive days than three upon which it shall so fail to sit; but a circuit court, after having been in session for six days, may take a recess for a period not exceeding twenty days. A corporation court may adjourn to any day during the term, and if it fail to sit on any day to which it adjourns, it may nevertheless sit on any subsequent day of the period during which its session might be lawfully extended; and the respective terms of such courts, when once opened, shall expire only by order of the court adjourning the term, or subject to section three thousand one hundred and twenty-six of the code of Virginia, by the coming of the regular time for the commencement of the succeeding term or the coming of the time fixed by law, if any, for the end of the term thereof.

2. This act shall be in force from its passage.

CHAP. 505.—An ACT to authorize the board of supervisors of Elizabeth City county to expend the surplus fund in the hands of the county treasurer due the county, and not otherwise appropriated, in the improvement of the public highways of said county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of Elizabeth City county to expend any surplus funds now in the hands of treasurer of said county, due said county, and not needed to defray legitimate county charges in the alteration, construction, and repairs of the public highways and bridges in the said county in such manner and at such times as the said board shall determine: provided that of any appropriated under this act the said board shall direct the said treasurer to place to the credit of the town of Hampton such a part thereof as shall bear the same proportion to the sum so appropriated as the property assessed with county tax of the said town bears to the values of the whole county, and the town council shall expend the said sum upon the improvement and betterment of the streets of the said town.

2. This act shall be in force from its passage.

CHAP. 506 —An ACT to prescribe the times for holding the circuit courts in the several counties composing the fifteenth judicial circuit of Virginia.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the circuit courts for the several counties composing

the fifteenth judicial circuit shall be held at the following times:

Wythe: Second Monday in February and the second Monday in September.

Pulaski: Third Monday in March, fourth Monday in July, and second Monday in December.

Bland: Second Monday in May and first Monday in October.

Carroll: Fourth Monday in April and first Monday in November.

Giles: Fourth Monday in May and third Monday in October.

Tazewell: First Monday in April, third Monday in August, and the third Monday in November.

2. All acts and parts of acts in conflict with this act are hereby repealed.

3. This act shall be in force on and after the twenty-first day of March, eighteen hundred and ninety-two.

CHAP. 507.—An ACT to incorporate the Elizabeth and Pasquotank railway company.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That A. H. Lindsay, Joseph A. Wallace, H. F. Edmonds, L. M. West, W. A. West, C. R. Johnson, George T. Wallace, junior, and C. A. Stewart, of Norfolk county, Virginia, and John K. Abbott, George Beveridge, C. M. Ferebee, L. F. Wright, Dr. W. D. Kelliam, M. B. Hughes, George H. Riggs, of Camden county; William Etheridge and Miles Whitehurst, of Pasquotank county, R. B. Creecy, Charles H. Robinson, George M. Scott, E. F. Aydlett and J. B. Flora, of Elizabeth City, North Carolina, together with such other persons as may become associated with them as stockholders, their successors and assigns, be, and they are hereby, declared to be a body politic and corporate under and by the name and style of "The Elizabeth and Pasquotank railway company," and by that name and style shall have all the powers conferred and be subject to all the restrictions imposed by the laws of this commonwealth upon such bodies politic and corporate, for the purpose of locating, constructing, equipping, maintaining and operating a railroad of one or more tracks, for the transportation of freight and passengers from Norfolk, Portsmouth, Berkley or other point or points on the Elizabeth river, Hampton Roads, Chesapeake bay or Lynnhaven, to some points on the Virginia and North Carolina

state line in Norfolk county, by and upon such lines and routes as the said company may determine and select; and with the consent of the authorities of the state of North Carolina or other states, extend said road to such point or points within such state or states as it may select; and may establish such gauge and operate said road with any power it may think proper, and may operate any part of its road before the whole thereof may be completed; and, for the purpose aforesaid, may build, buy, charter and run all such vessels, either steam, sailing or other craft as may be necessary to develop or accommodate its traffic.

2. That said company shall have authority to build and operate one or more branches, not exceeding twenty miles in length, and the said railroad and its branches shall have the right to cross at grade, or otherwise join and unite its railway with any railroad now constructed, or to be hereafter constructed, and also the right to cross any navigable stream or canal in its route, in the manner provided by law; and shall have and enjoy all the rights, franchises, privileges and immunities appertaining to railroad corporations.

3. That the capital stock of said company shall be not less than twenty-five hundred dollars, with the privilege and power to increase the same to five hundred thousand dollars, and the same may be subscribed to by individuals, corporations, counties, cities and towns, in accordance with the laws of this commonwealth. That the first ten persons, or any five of them named in section one of this act, shall be authorized to open books of subscription to the capital stock of said company, and when the minimum capital has been subscribed they are hereby authorized and empowered to call together the subscribers for the purpose of organizing said company.

4. That said company are hereby authorized and empowered to purchase property of any and every kind, and to hold, grant, mortgage, sell, or otherwise dispose thereof; to issue mortgage bonds upon its franchises, rights, privilege and property, created or to be created, or upon specific parts of such property, in such sums and to such amounts as the said corporation may, by its board of directors, approved by its stockholders, direct and determine; to issue common and preferred stock; to change the name of said corporation by a majority vote of its stockholders; to consolidate its franchises, rights, privileges and capital stock with any other railroad or canal corporation or corporations, chartered either by this state or other states, and to purchase any such railroads and canals, and to issue capital stock of this corporation in lieu of the capital stock of such purchased corporation: provided that the property of any such purchased or consolidated company shall be ope-

rated under the laws governing such corporation, and the service thereon shall in no manner be decreased nor the tolls on the canals or the freight and passenger rates of the railroads be increased, except as is hereinafter provided as to the "Dismal Swamp," or "Norfolk and North Carolina canal."

5. That should said company become the purchaser of the "Dismal Swamp canal," now called the "Norfolk and North Carolina canal," it may conduct the business of such canal as provided in section four, whether it build a railroad or not, as contemplated in the first three sections of this act. Should said company build the said railroad as contemplated above, and also purchase the canal, the said company may, in its discretion, so lower the water in said canal as to make it navigable for very small boats and skiffs only, or may so further reduce the water as to unfit it for navigation altogether, and in that event the said company shall build a branch road to Lake Drummond, and shall have the use and control of the water in Lake Drummond, limited only to the conditions that said lake shall not be purposely overflowed nor the water reduced to less than four feet in depth, and that said lake shall be free to all citizens of the United States for purposes of commerce and pleasure.

6. That in the event of the abandonment of the canal for transportation purposes, and its use as a drain or for water supply, or other purpose, as contemplated in part of section five, the said corporation may make such restrictions as it deems best as to the number of ditches that may be cut into said canal, and how these ditches may be finished where they enter the same to prevent bars or other impediment to the free passage of the waters in said canal; but no restrictions shall be made which will prevent the natural drainage of land into said canal where the same is needed for agricultural purposes. And in the event of the conditions existing as is contemplated in this section, the said company shall have control of the water in Deep creek and Gilmeston cut, above the dam across said creek, but shall not hold the water so high as to hinder the drainage of the lands bordering on or west of the head of said creek, but may lower the same to any desired extent.

7. The privileges granted under sections five and six shall appertain to said corporation in the event of a construction of a railroad, as contemplated in the first four sections of this act, or if a railroad shall be constructed by some other corporation and so located as to practically give transportation facilities to that part of Virginia now tributary to and dependent upon the Norfolk and North Carolina canal: provided that in this case the corporation created by this act shall not be obliged to construct a branch road to Lake Drummond, and any privileges grant-

ed in said sections as to the use and control of the waters of Lake Drummond, its tributaries and affluents, not already possessed by the said "Norfolk and North Carolina canal company," are subject to the rights of the act incorporating the Virginia water company: and provided further, that the work shall be commenced within two years, and the road completed within five years.

8. That all taxes due to the state of Virginia shall be paid in lawful money of the United States, and not in coupons.

9. This act shall be in force from its passage.

CHAP. 508.—An ACT to incorporate the River View and Southside bridge company.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That James H. Dooley, R. B. Chaffin, James B. Harvie, William G. Taylor, Matthew Gilmour, W. L. Moody, H. C. Beattie, J. H. Middendorf, E. A. Saunders, junior, E. D. Starke, William Lovenstein and Thomas Barry, of Virginia, and their associates, successors and assigns, and such persons as may hereafter be associated with them be, and they are hereby, declared a body politic and corporate by the name of the River View and Southside bridge company, and said company may, by or under its corporate name, make use of a corporate seal, and may sue and be sued, plead and be impleaded, contract and be contracted with.

2. The capital stock of said company shall not be less than fifty thousand dollars nor more than five hundred thousand dollars, and may be increased from the minimum to the maximum, from time to time, as the board of directors of said company may determine.

3. The stock to be not less than one hundred dollars per share; said company may organize when twenty-five per centum of the minimum capital stock has been duly subscribed and paid up, and said incorporators, or a majority of those therein mentioned, who are hereby commissioned for the purpose, may open books of subscription in such manner, time and place or places as they may see fit, and by consent of a majority of said incorporators, when the said twenty-five per centum of the minimum amount herein mentioned has been paid in, said incorporators may thereafter proceed to organize by electing proper officers; and the directors may receive cash, labor, material, bonds, stock, real or personal property in pay-

ment of subscriptions to the capital stock of said company, and at such price as may be agreed upon between the directors and subscribers.

4. The said company may construct a bridge over James river connecting the north and south banks, at some point upon what is called "River View," in Henrico county, on the north side of James river above the head of Belle Isle, to the south bank of said river, in Chesterfield county. Such bridge may be constructed of iron, stone, brick, or lumber, or partly of different materials, as it may deem best. It may so construct said bridge as to permit railroad tracks and cars, engines and carriages to pass thereon, or street railway or dummy cars, which may be operated by electricity, steam or other power, and provide for the safe passage also of foot passengers and vehicles propelled by horse-power, and for the passage of cattle, sheep, horses, and other animals.

5. It may make suitable charges or tolls, at prices not exceeding those charged by the proprietors of or those having in charge Mayo's bridge for such travel as passes over the bridge, and may charge, by proper rules and regulations, a tariff or toll on such railroad cars, dummies, street cars, or passengers as may be agreed on with companies desiring to use said bridge.

6. The said company may, by proper crossing or archway and not at a grade, cross the Richmond and Alleghany railroad, and the Richmond and Danville railroad, and if they fail to agree as to the proper construction to be erected where it crosses said roads, it may have said matter arbitrated by each road selecting an arbitrator; also may, if they fail to agree, select a third arbitrator, who must be a civil engineer, and their decision shall be final, and they shall furnish a detailed plan, showing what device and plan they have determined on as the proper and safe and permanent mode of crossing said roads or road, as the case may be.

7. The said company may have the right to condemn, according to the laws of Virginia, the lands required for the necessary abutments and piers and approaches from the nearest public road a strip of land not exceeding eighty feet wide, and in no instance interfere with any lands within the distance prescribed by the code of Virginia on which there are erected any buildings or improvements, and the counties of Henrico or Chesterfield, through their proper authorities, may open a sufficient outlet to said abutments, and dedicate said outlet to the nearest public road to the public, if the company herein incorporated desire the same. Said company may purchase one thousand acres of land in either Henrico or Chesterfield, or both, lying near to said bridge, and lay out the same in drives or parks, and sell off or hold the same, as it may seem fit. It may

appoint certain toll-gatherers or park-keepers, and apply to the proper authorities to have them vested with police power to protect and preserve the property of said company and preserve order thereon.

8. The said company, in its corporate capacity, may have the right to borrow money in such sums as it may deem best, and to issue bonds and secure the same by mortgage or trust deed or otherwise, and discount such bonds at prices to realize such sums as the board of directors of said company may deem the best to the interest of said company; and, to secure such bonds, may encumber its property, real and personal, rights and privileges and franchises, and its corporate effects of every description.

9. No subscriber to the stock of this company shall be liable for more than the stock subscribed for by him and unpaid quota thereon. Each share of stock shall entitle the stockholder thereof to one vote. There shall be annual meetings of said company for the election of officers thereof.

10. This company, in accepting the privileges of this charter, hereby agree to pay all taxes due the state of Virginia, and that may be hereafter assessed against it, in lawful money of the United States, and not in coupons from Virginia bonds.

11. The construction of the bridge herein mentioned must commence within two years and be completed within five years from the passage of this act.

12. This act shall be in force from its passage.

CHAP. 509.—An ACT to amend an act entitled an act to incorporate the Lynchburg belt railroad company, approved May 21, 1887.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That sections one and eight of an act entitled "an act to incorporate the Lynchburg belt railroad company," approved May twenty-first, eighteen hundred and eighty-seven, the said company having been organized under and in pursuance of said act, be amended and re-enacted so as to read as follows:

§ 1. The said Lynchburg belt railroad company shall have, and are hereby given, all the powers, rights and franchises granted, and shall be subject to all the liabilities imposed by chapters forty-six, forty-seven and fifty-one of the code of eighteen hundred and eighty-seven, and the acts of assembly amendatory thereof, so far as the same may be applicable and are not modified by or inconsistent with this act, or the act to which this is an

amendment, necessary and proper to construct, equip, maintain and operate a line or lines of railroad, standard or narrow gauge, as said company may deem best, connecting at or near the city of Lynchburg, any two or more of the railroads now constructed or which may hereafter be constructed, running into or near the corporate limits of the city of Lynchburg; and said line or lines of railroad may be run into said corporate limits, subject, however, to the provisions contained in section ten hundred and ninety-three of the code, requiring, among other things, the assent of the corporate authorities.

§ 8. The said company shall commence one of said lines of railroad within two years, and complete the same within five years from the passage of this act, and work may be begun on any portion of the line; and said company agrees, by the acceptance of this act, to pay all its taxes in legal tender currency of the United States.

2. This act shall be in force from its passage.

CHAP. 510.—An ACT to suppress tippling houses, the illegal and unlawful traffic in ardent spirits in the counties of Lee, Pulaski, Scott, Wise, Dickenson, Buchanan, Bland, and Russell.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That any person, who, without a state license so to do, shall sell by retail any spirituous or malt liquors, whiskey, brandy, wine, ale, or beer, or any mixture of them in said counties of Lee, Pulaski, Scott, Wise, Dickenson, Buchanan, Bland and Russell, shall be guilty of a misdemeanor.

2. Be it further enacted, That any house, tent, booth, or other structure in said counties, at which spirituous or malt liquors, whiskey, brandy, wine, ale, or beer, or any mixture thereof is sold without a license from the state so to do, shall be deemed a public nuisance, and the person so using the same, or the occupier thereof, or if his or her name or identity be concealed by the owner, then the owner thereof shall be deemed guilty of violating the same, and the same shall be abated by the order of the county court, or bond taken with good security conditioned to keep the same as an orderly house, in such penalty as will secure that purpose.

3. Be it further enacted, That if any person buy at wholesale, or of a manufacturer thereof, any spirituous or malt liquors, or any mixture thereof for two or more persons, and distribute the same to them for profit or reward,

or suffer them or others for them to take therefrom or divide the same to the buyer directly or indirectly, the one so buying shall be deemed a retailer thereof.

4. Be it further enacted, That any person, who as an agent, servant, employee, or in any other capacity, shall buy for another spirituous or malt liquors, whiskey, brandy, wine, beer, ale, or any mixture thereof of any person not by the buyer known to be a licensed retailer thereof, under the laws of this state at the time, such person so buying shall be deemed to be a retailer thereof.

5. Be it further enacted, That when spirituous or malt liquors, whiskey, brandy, wine, ale, beer, or any mixture thereof are parted with, and any pay, compensation, consideration is left, given, or conveyed to the person, or to another at the place; or if any understanding or agreement therefor is tacitly or expressly agreed on, whether done directly or whether it be nominally for another's benefit or consideration received by the one who gets said spirituous or malt liquors, or mixtures thereof or not, it shall be deemed a sale within the intent of this act by whatever subterfuge, artifice, or scheme it may be sought to be concealed.

6. Be it further enacted, That the fact that any person, firm, or corporation, or joint stock company have a license as a retail liquor dealer from the United States of America, and no such license from the state of Virginia as such dealer, shall be evidence of selling by retail at said place without a state license so to do, and the fact that a person has such United States license may be proved by the evidence of the internal revenue assessor or collector for said district, or any of their deputies who know the fact, or by any person who has seen said license.

7. Be it further enacted, That any county officer of either of said counties, who is a conservator of the peace, to whom complaint is made on oath, or any county judge or justice of the peace, who shall have reasonable cause to suspect that any of such liquors aforesaid is sold without a license, or any such nuisances exist, shall issue his warrant requiring search to be made of said premises for the liquors aforesaid, and if any found, require their seizure and safe custody until the final order in the case; and if the place be adjudged a nuisance, or the person or persons residing or doing business there be found guilty under this act of selling liquor without a license so to do, all the liquor so seized shall be forfeited to the commonwealth, and shall be advertised and sold at public outcry, to the highest bidder, at the nearest wholesale house, and the proceeds, after payment of all costs incurred in the case, applied to the public free school fund of the county in which the seizure is made; and if the party is not found guilty the liquor shall be restored to him.

8. Be it further enacted, That where a search warrant is issued under this act, there shall also be issued, by said officer, a warrant for the arrest of the suspected person or persons for the violation of this act, and, upon a hearing, if it be found there is probable cause to suspect them guilty, they shall be required to enter into bond, with sufficient security, for their good behavior, conditioned not to violate the revenue laws of this state, and also to answer an indictment for said offence. Should any such bond be forfeited scire facias shall be issued thereon by the clerk of the court in whose office the bond is filed, upon demand of any citizen supported by affidavit, or the same shall be issued upon demand of the attorney for the commonwealth, whose duty in either event it shall be to prosecute the same to judgment.

9. Be it further enacted, That any person who is found guilty under the provisions of this act shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned until said fine is paid by labor in the chain-gang, or in cash.

10. Be it further enacted, This act shall be so construed as to suppress the evil prohibited, and shall be taken to be in aid of the revenue laws of the state; but no penalty shall be imposed except as herein provided for.

11. Be it further enacted, That any citizen may, by action of debt for the maximum penalty herein imposed, recover the same as relator of the commonwealth against the offender, or may, by bill in chancery, enjoin any such nuisance upon proof of the fact herein made penal. Such suit in chancery or action of debt shall be in the circuit court of the county where the offence is committed, and shall be brought and prosecuted by the attorney for the commonwealth, and he shall be allowed the sum of five dollars for each action of debt prosecuted to judgment, and fifteen dollars for each chancery suit prosecuted to a final decree, to be taxed in the bill of costs and paid by the defendants.

12. Prosecution hereinunder shall be by indictments or information under oath.

13. This act shall be in force from its passage.

CHAP. 511.—An ACT to protect the oyster industry of the commonwealth.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the board on the Chesapeake and its tributaries

shall, as soon as possible after the passage of this act, cause to be made a true and accurate survey of the natural oyster beds, rocks and shoals of the commonwealth, said survey to be made with reference to fixed and permanent objects on the shore, giving courses and distances, to be described in the written report of said survey hereinafter required; and a true and accurate delineation of the same shall be made on copies of the published maps and charts of the United States coast and geodetic survey, which said copies shall be filed in the archives of this state, in the capitol at Richmond. And the said board shall further cause to be delineated, on a copy of the published maps and charts of the United States coast and geodetic survey, of the largest scale, for each of the counties of the commonwealth, in the waters of which there are natural oyster beds, rocks, or shoals, all the natural rocks, beds or shoals lying within the waters of each of said counties, which said maps shall be filed in the clerk's office of the county court of the county wherein may be the grounds so delineated. For example: The map delineating the grounds lying in the waters of the county of Accomac, to be filed in the clerk's office of the county court of Accomac, and so on.

2. And the said board on the Chesapeake and its tributaries, in order to carry into execution this law, shall direct the fish commissioner, who is hereby appointed a shell fish commissioner, whose duty it shall be to direct and control the survey herein provided for. Said commissioner shall cause to be marked and defined, as accurately as is practicable, the limits and boundaries of the natural oyster rocks, beds and shoals, as established by said survey, and he shall take true and accurate notes of said survey, in writing, and make up such an accurate report of said survey, setting forth a description of the lines, with courses and distances, and description of the land marks, as may be necessary to enable the oyster inspector to find and ascertain the boundary lines and limits of said natural oyster rocks, beds and shoals, as shown by the delineation on the maps and charts provided for in section one of this act. Said report shall be completed and transmitted to the board on the Chesapeake and its tributaries within three months after the completion of the said survey. The said board shall cause the same to be published in pamphlet form and transmit copies of the same to the clerk of the county court of the counties where the charts have been filed or directed to be filed as hereinbefore provided for—the said report to be filed by the clerks of the said several counties. And the said survey and report, when so filed, shall be, and be construed to be, in all the courts of the commonwealth, as conclusive evidence of the boundaries and limits of the natural oyster beds, rocks and shoals ly-

ing within the waters of the counties wherein such survey and report are filed: provided if any natural rock, bed or shoal is left out in these surveys, they shall not be used for planting grounds, but shall be subject to the general oyster law of the state. All the work appertaining to and necessary to the completion of said survey shall be under the control and done under the direction of the board on the Chesapeake and its tributaries, which said board is hereby empowered to require the shell fish commissioner hereinbefore named to do all things necessary to the successful prosecution and completion of the said survey.

3. The said board on the Chesapeake and its tributaries shall have the control and management of any fund which may be appropriated to carry into execution this law, and the said board shall turn over to the shell fish commissioner, to be appointed under this act, at such times and in such amounts as they may deem necessary and proper, any portion of such appropriation, and said shell fish commissioner shall disburse the same in defraying the proper and actual expenses of executing this law, and he shall make a true and detailed report of his disbursements to the said board. But before said commissioner shall perform any of the duties hereby imposed upon him or receive any money under this act, he shall execute bond in the penalty of two thousand dollars, payable to the commonwealth of Virginia, conditioned for the faithful performance of his duties.

4. The county court of the counties in the waters of which there are any natural oyster-beds, rocks, or shoals, shall, in term time or vacation, appoint three commissioners for each of said counties respectively. These three commissioners shall act with the shell fish commissioners in their respective counties. These three commissioners shall determine the question of what bottoms are natural oyster-beds, rocks, or shoals, and the lines defining these limits shall be run by the shell fish commissioner and the engineer as they direct. These commissioners shall receive for their services the sum of two dollars per day while actually so employed.

5. Said shell fish commissioner shall be paid the sum of one hundred and fifty dollars per month for the time he is actually engaged in the execution of the work as hereinbefore set forth: provided said work shall not consume a longer period than twelve months of actual work from its beginning; and when the survey and report hereinbefore mentioned in this act have been completed, the duties and the salary of the said shell fish commissioner shall cease and determine.

6. The board on the Chesapeake and its tributaries shall avail themselves in executing this law of the assistance tendered by the United States coast and geodetic survey.

7. This act shall be in force from its passage.

CHAP. 512 —An ACT to amend and re-enact an act entitled an act for working and keeping in repair the roads in the county of Tazewell, approved February 24, 1888, and further to provide for the permanent improvement of the roads in said county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Tazewell shall take charge of and have kept in repair all the roads and bridges established or that may hereafter be established in said county; and for this purpose the said board are hereby authorized and empowered to levy a road tax not to exceed in any one year thirty cents upon the one hundred dollars of assessed taxable values in said county, one-half of which shall be used as hereinafter provided for permanent improvements.

2. The said board of supervisors shall, as soon as possible after the passage of this act, appoint three discreet citizens in each magisterial district, who shall at once proceed to lay off all the public roads in their respective districts into road precincts, no road precinct to contain more than five miles of road, and apportion the hands thereon, which hands shall be required to work on the roads of the precinct to which they have been assigned not more than three days in any one year.

3. When the roads have been laid off into road precincts, as hereinbefore provided, the board of supervisors shall appoint a competent surveyor for each road precinct, who shall hold his office until his successor shall be appointed: provided, however, that any surveyor who has served two years and has the roads of his precinct in good order, may resign. The board of supervisors shall report a list of all road precincts and the surveyors appointed therefor, and the changes made in such precincts and surveyors, from time to time, to the county court; and thereupon a writ shall be issued by said court to the sheriff, commanding him to give notice to the persons so appointed, which writ the sheriff shall forthwith execute and return to the clerk.

4. The board of supervisors shall appropriate to each magisterial district one-half of the funds collected from that district on the road tax, and apportion same among the various road precincts, as in their judgment the public interest demands, and may have all the hands allotted to the cross or neighboring roads, and appropriate sufficient funds to the more public highways, to hire the necessary labor to keep the same in good order, and may authorize any road surveyor to purchase such tools as may be necessary to the successful working of the roads of his

precinct: provided, however, that when new bridges have to be built or new roads opened, the board of supervisors may appropriate ten per centum of the entire fund collected under this act, to opening such roads or constructing such bridges anywhere in said county.

5. It shall be the duty of each surveyor appointed under this act to notify all the hands allotted to his precinct when and where they shall meet to work the roads of said precinct, and shall, with any money appropriated by the board of supervisors to his precinct, hire hands to work on said roads. But no hired hands shall be worked in connection with or at the same time that persons are performing the work required of them under this act. He shall superintend and direct all hands while at work, see that the roads are kept clear of obstructions, of necessary width, well drained, and otherwise in good order, and secure from the falling of dead timber thereon. He shall, on the first day of December, or at the first meeting of the board of supervisors held thereafter, make a report under oath to said board, showing the amount of money appropriated to his precinct and the amount received by him on fines as hereinafter provided; the manner in which the said amounts were expended; the number of days' work done; the percentage of said work done by hired laborers, and the price paid per day therefor, and also the condition of said roads.

6. All male persons between the age of sixteen and sixty years shall, upon being notified by the road surveyor, attend, either in person or by a sufficient substitute, with proper tools and work the roads on such days as the surveyor may direct, not to exceed two days in any one year: provided, however, that ministers of the gospel, and persons who have lost a leg or an arm, and persons living in an incorporated town that provides for its poor and keeps its streets in order, are exempted from such work; and other persons who are otherwise disabled may be exempted by order of the board of supervisors on account of such disability. For every day on which there may be a failure, seventy-five cents shall be paid to the surveyor within twenty days thereafter by the person in default, if a person of full age, and if a minor, by his parent or guardian. If the money be not paid in the time specified the surveyor shall make out a ticket against such delinquent party, or the persons liable to pay the same, for the amount of said fine and place it in the hands of the constable of his district or sheriff of the county, who is hereby required to receive the same for collection and give his receipt to the surveyor therefor, and said ticket shall have the force of an execution. The officer who is charged with the collection of said fine shall proceed as in collecting taxes or county levies. Such officer shall have a fee of twenty-five

cents in all cases where the fine is collected by him, to be paid by the party in addition to the fine. He shall pay over to the surveyor all such fines within thirty days after they have come into his hands, or return the same to the surveyor as insolvent where the fines cannot be collected by levy. If the officer shall fail to make payment of the fine, or return the same insolvent, within sixty days from the date he received it, he and his sureties on his official bond shall be liable for such fine, whether collected by him or not, to be recovered by the surveyor upon motion before a justice of the peace. He shall return to the board of supervisors annually, by the first day of December, a list of all fines so collected, with the names of surveyors to whom the same have been paid.

7. Each surveyor shall be paid one dollar for each day actually employed in working on roads where he has as many as ten hands employed, but he shall not be allowed, however, any compensation for warning in the hands; and for his failure to comply with the requirements of this act, or to keep the roads in as good condition as possible, with the means at his command, he shall be fined not less than ten nor more than fifty dollars, which shall be applied to keeping his road in good order.

8. All levies made and collected under this act shall be collected and accounted for by the county treasurer as other levies are, and shall be paid out to the surveyors and other parties entitled thereto on the warrant of the board of supervisors.

9. The board of supervisors shall keep a book known as the road book, in which shall be kept an account of the road tax levied in each magisterial district, and the amount collected thereof, and how apportioned among the various road precincts, and a list of the tools furnished to each surveyor, who, upon new surveyor being appointed, shall account to the board of supervisors for all tools furnished him. The annual reports hereinbefore required to be made by each surveyor to the board of supervisors shall be recorded in said book, which shall be open at all times to the inspection of tax-payers of said county.

10. The board of supervisors may establish toll-gates and regulate the rates of toll on such roads as, in their judgment, the public interest demands. The board of supervisors may allow the clerk of their board a just compensation for the extra work required of him under this act.

11. Where great and unforeseen damages casually occur to any road or bridge, the surveyor of the road precinct in which the same occurs, shall apply to the supervisor of his district for authority to purchase materials, hire such additional labor and teams as may be necessary to repair such damage. The said supervisor, if he deems it expedient,

may authorize the said repairs. Such surveyor shall return to the board of supervisors an account, on oath, of the expenditures so made, and, if the board be satisfied of the correctness of such account, shall allow the same.

12. It shall be the duty of the board of supervisors to provide and spread upon their record a plan of letting to contract all repairs upon roads or bridges which are to be done under contract, and in any case where great and unforeseen damages occur to any road or bridge, the supervisor of the district in which it occurs, instead of authorizing it to be repaired by the surveyor of roads, may let same to contract, according to the plans provided by the board of supervisors.

13. No new roads shall be located or new bridge established, or alteration made in an established road, except upon the application to the county court by some citizen of the county, and no cost or expense incurred in making such application, and no cost or expense incurred in making survey and location of said new road or bridge, or alteration in established road, shall be paid out of the county treasury, unless the application for same shall be accompanied by the recommendation, in writing, of the board of supervisors, or a majority thereof; and if, upon the hearing of such application, made in said manner, the county court shall establish the said road, then the same shall be certified to the board of supervisors, together with the probable cost thereof; and the said board shall then take such action thereon as they may deem best in the then condition of the finances of the county. But nothing in this section shall prohibit or prevent the county court of the county from making surveys upon, or establishing such new roads, bridge, or alteration at the expense of the applicant therefor.

14. In order to provide for the permanent improvement of the roads of Tazewell county, and for the macadamizing of certain sections of said roads, the board of supervisors are hereby authorized and empowered to borrow for the county such sum or sums of money, so that the indebtedness of the county therefor shall not exceed at any one time sixty thousand dollars; and to secure the money borrowed, the board of supervisors are authorized and empowered to execute and sell the bonds of said county of Tazewell. The bonds to be executed under the seal of the board of supervisors of said county, signed by the president of the board of supervisors and attested by the clerk of the board. Said bonds, however, shall not run longer than thirty years, and shall not bear a greater rate of interest than six per centum per annum, the interest to be payable semi-annually, and said bonds shall not be sold below par; but nothing herein shall prevent or preclude the said board from paying a commission to a broker or other person to have said bonds placed.

15. The board of supervisors shall set apart and appropriate one-half of the road tax which they are authorized to levy under the first section of this act, to meet the interest accruing on the indebtedness so created and provide a sinking fund for the discharge of said indebtedness; and they shall also set apart and appropriate for the same purpose all amounts arising from county tax on any railroad now constructed in said county or which may be hereafter constructed within the limits of said county; and the said board of supervisors are also authorized to appropriate to the same purpose any other money in the county treasury not otherwise needed.

16. The money borrowed for permanent improvements under the provisions of this act shall be under the control of a board of managers, which said board of managers shall be composed of three members of the board of supervisors and of Alexander St. Clair, of the Clear Fork magisterial district, and in case of the death of either one of the above-named persons the county court, or the judge thereof in vacation, shall have power to appoint a successor in the place and stead of such person; James E. Peery, of the Jeffersonville magisterial district, and Joseph S. Gillespie, of the Maiden Spring magisterial district. Said board of managers shall see to the expenditure of the amount so borrowed, and same shall be expended upon the roads of said county as follows: Twenty-eight thousand dollars on the main road leading through said county from Burke's Garden, by Tazewell court-house and Liberty Hill to the Russell county line, to be applied at such places on said main road as the board of managers may deem best; two thousand dollars on the Plum creek gap road and on the road leading from the forks of the road, near Judge S. L. Graham's, to Pisgah; the remaining thirty thousand dollars shall be distributed equally among the three magisterial districts of said county, and ten thousand shall be applied upon the roads of each of said districts under the direction of said board of managers.

17. Said board of managers are hereby authorized to let to contract the work of permanent improvements herein provided for, according to a plan to be provided by said board, and said board shall have authority to accept from the contractors such bonds as the board may deem necessary to secure the faithful performance of the work. Said bond shall be made payable to the county of Tazewell, and said county shall have the right to sue upon and enforce same.

18. All the work done on said permanent improvements shall be according to specifications and plans provided by said board of managers, and said board shall determine whether the work has been done according to contract, and thereupon accept the same.

19. The president of the board of supervisors shall be ex-officio president of the board of managers, and no business shall be transacted by the board unless there be a quorum present, and it shall take four members of the board to constitute a quorum, and all questions arising before the board of managers shall be decided by a recorded vote of said board, and no action shall be taken by said board of managers except upon a vote of a majority of those present at any legal meeting of said board of managers. Said board of managers may be assembled upon reasonable notice from the president of the board, or upon notice from any two members of the board in writing.

20. All money so borrowed or arising from the sale of the county bonds, shall be paid into the county treasury, and all accounts for work done or materials purchased or furnished, shall be audited by the board of managers in meeting assembled; and, when allowed on said board, shall be paid upon a warrant drawn by the president of the board and directed to the county treasurer.

21. Each member of the board of managers shall be allowed as compensation for the service required to be performed by him, under the provisions of this act, at the rate of two dollars per day for the time they are actually engaged about the performance of duties required of them; and in the event either of the members of the board of managers herein named, other than the members of the board of supervisors, should refuse to act, then the other members of the board of managers shall elect another citizen of the magisterial district in which the member so refusing to act resides; and in the event of any or either of said board of managers, other than a member of the board of supervisors, should die, or from any other cause becomes disqualified to act, then any such vacancy shall be filled in manner above prescribed.

22. Said board of managers are hereby authorized to employ such persons and agents as may be necessary to carry out the provisions of this act.

23. Said board of managers shall keep a record of their proceedings in a book provided by them for the purpose, and the clerk of the board of supervisors shall be ex-officio clerk of the board of managers, with such compensation as said last-named body may provide.

24. All acts and parts of acts in conflict with this act are hereby repealed.

25. This act shall be in force from its passage.

CHAP. 513.—An ACT to amend and re-enact sections 4, 5, 21, and 31 of chapter 148 of the acts of the general assembly of Virginia, 1889-'90, touching the road law for Warren county.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That sections four, five, twenty-one, and thirty-one of an act entitled an act to amend and re-enact chapter one hundred and forty-eight of the acts of the general assembly of Virginia, touching the road law for Warren county, approved February eleven, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 4. That all taxes levied and collected for road purposes, and for building and repairing bridges, shall be expended on the roads and bridges of the county, as hereinafter provided.

§ 5. That the commissioners of roads for the respective districts of the county of Warren shall be known as the commissioner of roads for magisterial district, and by such name shall have the power to contract and be contracted with, sue and be sued; but no judgments against such commissioner shall bind him personally. It shall be paid by the treasurer out of the road fund apportioned to such district.

§ 21. That the said board of supervisors shall then cause to be levied a road tax for the whole county, not exceeding thirty cents on the one hundred dollars worth of real, personal, and mixed property within the county, taking the state assessment as a basis. Of the road tax so levied the board of supervisors shall set apart as the road fund for each district so much as may seem to them right, taking into consideration not only the mileage, but the wear and tear, by reason of travel or otherwise, over the roads of the respective districts.

§ 31. The county treasurer shall annually at the July meeting of the board of supervisors settle and adjust before said board his accounts with the road fund of the several districts. The said board shall charge him with the full amount of the road tax set apart for each district, and all sums collected from delinquent contractors, and shall credit him by his commissions, delinquents, and all payments made by him for which he has proper vouchers. He shall receive the same per centum for collecting and disbursing road taxes as for collecting state revenue.

2. This act shall be in force from its passage.

CHAP. 514.—An ACT to allow all county treasurers and deputy treasurers of this state further time to collect certain tax tickets in their hands for years 1887, '88, '89 and 1890.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That all county treasurers and deputy treasurers in this state be, and they are hereby, allowed the further time of one year from the passage of this act to distrain for and collect all tax tickets in their hands for the years eighteen hundred and eighty-seven—eighty-eight—eighty-nine and eighteen hundred and ninety, and for which they have settled with the state and county authorities: provided, however, that none of said tax tickets have been returned delinquent or insolvent.

2. This act shall be in force from its passage.

CHAP. 515.—An ACT to incorporate the Virginia manganese, iron and coal company.

Approved February 29, 1892.

1. Be it enacted by the general assembly of Virginia, That J. C. McDonald, of Craig City, Virginia; J. W. Over-turf and George Davis, of Portsmouth, Ohio; L. W. Goss, of Cincinnati, Ohio; C. W. Howard, of Chattanooga, Tennessee; Thomas Stackpole, of Athens, Tennessee; W. A. Connell, of Craig City, Virginia; W. G. Sears, of Washington, District Columbia; E. C. Pope and Julius King, of Cleveland, Ohio, and their successors, or such of them as may accept the provisions of the act, be, and they are hereby, made a body corporate and politic under the name and style of the Virginia manganese, iron and coal company, under which name it shall have the right to sue and be sued, implead and be impleaded in all courts, whether of law or equity, and shall have perpetual succession, and may have a corporate seal, and alter and renew the same at pleasure, and may make by-laws, rules and regulations, not inconsistent with the laws of this commonwealth, for the government of all under its authority.

2. The capital stock of said company shall not be less than fifty thousand dollars, and may be increased from time to time to any amount not to exceed five million dollars by the issue and sales of shares on such terms as the board of directors may prescribe. The par value of each share shall be one hundred dollars. The directors may receive real or personal property suited to the business of

the company in payment of subscriptions to the capital stock of the company, at such valuation as may be agreed upon between the directors and subscribers. Certificate of stock shall be issued to the subscribers in shares of one hundred dollars, signed by the president and secretary of the company. Said stock shall be transferable only on the books of the company, by the owners, their representatives, agent, or attorney, and when so transferred the certificates shall be cancelled and new certificates issued in lieu thereof to the person entitled thereto for a like number of shares.

3. The said company is authorized and empowered to purchase, own, hold, lease and control in any manner, sell, grant and convey real and personal estate: provided that such company shall not hold at any one time more real estate than thirty-five thousand acres. It is authorized and empowered to mine and dig for ores and quartz of any description, coal, marble, slate and stone; to manufacture iron, steel, coke, fire-brick, building or paving brick, glass and any article composed either or in part of wood, iron, steel, stone, slate or any metal or mineral, and may market and sell any of its products; it may erect furnaces, rolling mills, forges, mills, paint mills, fixtures, appurtenances and any machinery necessary for the operation of its business, and operate the same. It may lay pipes, cut canals and erect water-works, build and operate roads, tramways and railways, and may connect them with any other railroad: provided it shall not be authorized to construct any railroad or water line which shall exceed twenty-five miles in length. The said company may acquire by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroad, and the necessary stations and depots for its operation. In constructing and operating its tramways and railways, it shall be entitled to the benefit and subject to all the penalties of the general laws of this state in regard to railroad or internal improvement companies; it may lay out manufacturing sites, streets, alleys, and grade streets, erect houses and gas works, sell and use the same. It shall have its principal office in Craig City, in Craig county, Virginia, or elsewhere in the state of Virginia as the stockholders in general meeting may direct.

4. It shall be lawful for any railroad company to subscribe to the capital stock of said company, and they may acquire its bonds, full power being hereby given such companies for that purpose, and the said company shall have power to merge or consolidate its railroad with any other railroad company or companies, and it shall be lawful for any stockholder of said company to hold the stock of said company in any sum not prohibited by the by-laws of said company, and to cast one vote for each share of stock owned by him.

5. It may issue its bonds or preferred stock, or both, and sell the same upon such terms as the board of directors may prescribe, and may secure said bonds or preferred stock, or both, by deeds of trust or mortgages upon its franchise and property, or any part of its property or franchise.

6. No stockholder will be held liable or made responsible for the debts or liabilities of said company in a sum beyond any balance due from said stockholder to said company on stock subscribed by said stockholder.

7. The directors of said company shall be stockholders, and they shall elect one of their number president. Their number shall not be less than five or over seven, and they shall be elected by the stockholders in their annual meetings. They shall serve until their successors are elected, and they may fill any vacancy in their board. For the purpose of organizing said company, the first seven persons named in this act shall constitute its first board of directors, a majority of whom may act. They may receive subscriptions to the capital stock of the company at any time and place without advertising, and when the sum of fifty thousand dollars or more is subscribed they shall convene the stockholders and organize said company, and certify such organization on the books of the company, and such certificates, or a copy thereof, when attested by a notary public, shall be received as legal evidence of the organization of such company. But such organization shall be had within one year after the passage of this act.

8. That the said company, by the acceptance of this charter, hereby agrees to pay all taxes and demands due to the state, that may be hereafter assessed against it, in lawful money of the United States, and not in coupons.

9. This act shall be in force from its passage.

CHAP. 516.—An ACT for the relief of Thomas P. Darracott, M. D., of certain fines.

Approved March 1, 1892.

Whereas a petition has been presented to the general assembly of Virginia, signed by numerous citizens of the counties of Highland and Bath, asking that Thomas P. Darracott be relieved of sundry fines, amounting in the aggregate to six hundred and ten dollars, imposed upon him by the county court of Highland county, at the December term, eighteen hundred and eighty-nine, and the March term, eighteen hundred and ninety; therefore,

1. Be it enacted by the general assembly of Virginia, That the said Thomas P. Darracott be, and he is hereby, relieved from the payment of the fines aforesaid: provided, however, that the relief granted under this act shall not be effectual until all costs attending prosecution have been satisfied.

2. This act shall be in force from its passage.

CHAP. 517.—An ACT appropriating the sum of \$5,000 to the Prison association of Virginia for the purpose of erecting and equipping workshops and buildings for the use of its school at Laurel for each of the fiscal years 1892 and 1893.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the sum of five thousand dollars be, and the same is hereby, appropriated to the Prison association of Virginia out of any moneys in the treasury not otherwise appropriated for each of the fiscal years of eighteen hundred and ninety-two and eighteen hundred and ninety-three: provided that no part of the principal of said sum is to be used for the discharge of any debt, obligation or liability of said association now existing, however incurred, nor for current expenses of said association or any of its schools incurred thereafter, but the whole of said principal, or so much thereof as may be required, shall be expended in the erection and equipment of workshops and other buildings, for the use of the school of said association, at Laurel, Henrico county, Virginia, and a full report of such expenditure made to the general assembly.

CHAP. 518.—An ACT to allow the voters of Shenandoah county or any magisterial district thereof to vote on a stock law.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county court of Shenandoah county, or the judge thereof, in vacation, upon the petition of at least one hundred resident freeholders of any magisterial district in said county, to submit to the qualified voters in the aforesaid county or any magisterial district thereof, the question as to whether there shall be or not a stock law in said county or any magisterial district thereof.

2. The said election shall be held at some time during the month of May, eighteen hundred and ninety-two.

No incorporated town shall be allowed to vote in this election. The court shall prescribe the day and manner in which said election shall be held. If it shall appear from the returns thereof that a majority of the votes cast in such election are in favor of a stock law, then it shall be unlawful for the owner or manager of any horse, mule, cow, sheep, swine, cattle, or any other domestic animal to permit said animals to go at large upon any highway or unenclosed land unless in charge of a herdsman.

3. Any violation of this act shall subject the owner or manager of such animal to the provisions of sections two thousand and forty-two, two thousand and forty-nine, and two thousand and fifty of the code of Virginia.

4. Nothing in this act shall be construed as exempting any railroad corporation from the present laws as to the killing or injury to any live stock within said county or part thereof where stock law is adopted to which only this act shall apply.

5. This act shall be in force from its passage.

CHAP. 519.—An ACT to grant to the Association for the preservation of Virginia antiquities all the title and interest of the State in certain portions of Jamestown island, and to confer upon said association the power to condemn lands.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That all the right, title, and interest of the state of Virginia to and in the church-yard, church-lot, and grave-yard in and upon Jamestown island be, and the same is hereby, granted and transferred to the Association for the preservation of Virginia antiquities, and the said association shall own and hold the same forever for the purposes prescribed in its charter.

2. All the franchises, rights and powers contained in chapter forty-six of the code of eighteen hundred and eighty-seven are hereby conferred upon said association, and it shall be deemed an internal improvement company for the purpose of acquiring by condemnation such additional land upon said Jamestown island as shall be necessary for ample ingress and egress to and from all sides of said church-yard, church-lot and grave-yard, and particularly from the said church-yard, church-lot, and grave-yard to and from the main land on one side and the river on the other, and to erect, if the said association shall deem necessary, a bridge connecting said island with the main land, and for that purpose to have the further right to condemn a site or sites sufficient for the erection and placing of said bridge.

3. This act shall be in force from its passage.

CHAP. 520.—An ACT to correct an error in the title and to give effect to an act entitled “an act to amend an act incorporating the Ladies’ memorial association of Fredericksburg of April 4th, 1874, approved January 11th, 1892, being chapter 47 of the acts of the present general assembly of Virginia.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act incorporating the Ladies’ memorial association of Fredericksburg, Virginia,” approved January eleventh, eighteen hundred and ninety-two, be amended and corrected, so that the title of the said act, being chapter forty-seven of the acts of this general assembly, shall so read that the title shall be an act entitled “an act to amend an act incorporating the Ladies’ memorial association of Fredericksburg, Virginia,” approved April thirtieth, eighteen hundred and seventy-four, instead of April fourth, eighteen hundred and seventy-four, as erroneously passed and approved.

§ 2. That all the provisions of said act of January eleventh, eighteen hundred and ninety-two, being chapter forty-seven of the acts of this general assembly, be, and are hereby, declared to have like force and effect as if re-enacted here section by section.

§ 3. That in printing said act, chapter forty-seven, authority is given to correct the title of that act, so that its title shall read “an act to amend an act incorporating the Ladies’ memorial association of Fredericksburg, Virginia,” approved April thirtieth, eighteen hundred and seventy-four, instead of April fourth, eighteen hundred and seventy-four, as passed, approved and printed in the advance sheets of the acts of the present general assembly of Virginia.

2. This act shall be in force from its passage.

CHAP. 521.—An ACT to allow T. W. Taylor to erect a wharf on Mattaponi river.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That T. W. Taylor, of the county of King and Queen, be authorized to erect a wharf on Mattaponi river at or near Walkerton, in said county, for the delivery of lumber and other saw-mill material: provided said wharf shall not obstruct navigation on said river.

2. This act shall be in force from its passage.

CHAP. 522.—An ACT to confirm and ratify a charter granted by the judge of the thirteenth judicial circuit, incorporating the Virginia iron and railway company, and to amend the same.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the charter granted by vacation order of William McLaughlin, judge of the circuit court for the county of Rockbridge, entered the third day of January, eighteen hundred and ninety-one, in vacation, incorporating the Virginia iron and railway company, upon the application for such charter by Henry D. Turney, Lee Chamberlain, John J. Lentz, George K. Nash, and Tracey W. Guthrie, which application and order are lodged and recorded in the office of the secretary of the commonwealth, on the fifth day of January, eighteen hundred and ninety-one, be, and is hereby, in all respects ratified and confirmed by the general assembly of Virginia, the terms of said order of incorporation being as follows :

Whereas Henry D. Turney, Lee Chamberlain, John J. Lentz, George K. Nash and Tracey W. Guthrie, desiring to form a joint-stock company under the laws of Virginia, have, on the thirty-first day of December, eighteen hundred and ninety, made and acknowledged their certificate in writing, which is herewith filed, and their acknowledgment of the same before a proper officer being duly attested, and have presented the same to the undersigned, judge of the circuit court of Rockbridge county, wherein the principal office of the company is to be located, in vacation of said court; and it appearing upon due consideration that said application is in due form, and that a charter of incorporation should be granted to said persons:

Now, therefore, I, William McLaughlin, judge of the thirteenth judicial circuit of the commonwealth of Virginia, in virtue of the authority vested in me by law, do order and decree as follows:

First. That the said Henry D. Turney, Lee Chamberlain, John J. Lentz, George K. Nash, and Tracey W. Guthrie, and such other persons as they may lawfully associate with them, and their successors, be, and they are hereby, constituted a body politic and corporate under the name and title of the Virginia iron and railway company, and that the said company be hereby invested with all the general powers, rights, and privileges pertaining to incorporated companies under the laws of this commonwealth and be subjected to all the general restrictions prescribed by the same in respect to such bodies politic and corporate.

Second. That the said company shall have power to acquire and improve the plant and property known as the Victoria furnace property, and the lands and easements and rights of way appurtenant thereto, and for the purpose of paying therefor and of improving and developing the same, to issue full-paid and non-assessable stock of the company to an amount not to exceed one million dollars (\$1,000,000), and to issue bonds of the company to an amount not exceeding three hundred thousand dollars (\$300,000), and to secure such bonds by mortgages or trust deeds; and also to make and manufacture iron and steel in all its forms, and to mine and wash, purchase and vend ores, and to acquire by purchase or lease or otherwise such additional lands as may be required, and to wash ores on any part of its property, and to locate and operate the machinery therefor in any waters thereon, and to construct and use reservoirs, pipe lines, ditches, and flumes; also to construct and operate a coking plant or plants of ovens, and to conduct the business of mining, coking, or vending coals on the premises of the company or elsewhere, and to acquire by purchase or lease or otherwise such coal lands as may be required for the purposes aforesaid, and also to operate such railways, and to conduct such general store and merchandise business, and to do any and all such things as are incident to and deemed by the directors advisable and proper for the successful and profitable management and conduct of a plant for the making and manufacture of iron and steel; and to buy, hold, sell, donate, lease, and otherwise dispose of real estate; to improve and develop the same by laying it out in lots or parcels; to make and grade streets and alleys through the same, and to erect, encourage, and operate manufacturing establishments of all sorts connected with the iron and steel business in such manner and upon such terms as the directors may deem proper; and in furtherance of its purposes the said company may subscribe to, purchase, or otherwise acquire the stock of other companies, and vote such stock and dispose of the same.

Third. The capital stock of said company shall be one million dollars (\$1,000,000), divided into ten thousand shares of one hundred dollars each.

Fourth. The said company is authorized to hold real estate to the amount of fifty thousand (50,000) acres at any one time.

Fifth. The principal office of said company shall be kept at Goshen, in Rockbridge county, Virginia, and may be either in the town or at the plant of the company adjacent thereto.

Sixth. The chief business to be transacted by the company, after acquiring and improving said furnace property, is to be the making and manufacture of iron and steel.

Seventh. The names and residences of the officers who are, for the first year, or until their successors are duly elected or appointed, to manage the affairs of the company, are as follows: President, Henry D. Turney, of Columbus, Franklin county, Ohio; vice-president, Lee Chamberlain, of Columbus, Franklin county, Ohio; secretary and treasurer, James S. Wheeler, of Goshen, Rockbridge county; directors, Henry D. Turney, Lee Chamberlain, John J. Lentz, George K. Nash, and Tracy W. Guthrie, all of Columbus, Franklin county, Ohio.

Eighth. The acceptance of this charter and organization thereunder shall be deemed to be a waiver by said company of any right to pay any taxes or other dues to the state of Virginia otherwise than in lawful money of the United States.

Ninth. This charter shall be in force as soon as the same shall have been lodged in the office of the secretary of the commonwealth of Virginia, as prescribed by law.

It is further ordered, that the clerk of the circuit court of Rockbridge county cause this charter and the accompanying certificate to be forthwith recorded in the proper book, and duly certified to the secretary of the commonwealth, to be in like manner recorded in his office.

2. The said Virginia iron and railway company being the successor of the iron and steel works association of Virginia (limited), by its purchase under a deed of trust executed by that company of its works and property, and under public sale and conveyance pursuant thereto; and the general assembly of Virginia having heretofore passed an act, approved March seventeenth, eighteen hundred and eighty-four, entitled an act to confer upon the iron and steel works association of Virginia (limited) certain corporate privileges in this state, it is further enacted that said Virginia iron and railway company shall succeed to and have all the franchises, rights and privileges conferred or intended to be conferred by said act of March seventeenth, eighteen hundred and eighty-four, upon said the iron and steel works association of Virginia (limited), and to that extent its charter is hereby amended.

3. It shall be lawful for said Virginia iron and railway company to subscribe to, purchase, or otherwise acquire the capital stock or bonds of other joint-stock companies, and to vote such stock, in any general or special meeting of stockholders, either by its officers or proxies, or through a trustee holding the same for its use and benefit, and its charter is hereby amended accordingly.

4. The Virginia iron and railway company shall not be required to assume the duties or responsibilities of a common carrier of passengers or freights unless and except as it shall find it necessary so to do in order to carry out the

following provision: But it shall be required to make such arrangements with the Rockbridge alum and Goshen railroad company, or otherwise, as will secure to the proprietors of the Rockbridge alum springs suitable passenger and freight accommodations for the business of that resort, allowing the use of its tracks between Goshen station, of the Chesapeake and Ohio railway, and the point of connection with said Rockbridge alum and Goshen railroad, a distance of about eight miles, during the spring's season of each summer, for the transportation of passengers, United States mails, express matter, and freight to and from said springs, subject to the supervision and control of the manager of its furnace, to the extent of preventing any conflict in the running of the trains, and will give a through passenger train service to and from said Rockbridge alum springs during the months of June, July, August and September of each year, making suitable connections with the Chesapeake and Ohio train service, and running three trains each way every twenty-four hours, if necessary, for that purpose. And it shall be required to continue to provide such passenger and freight service during each season so long as it continues to operate its railway with ore trains from its mines, and has the right to exercise the privileges of taking iron ores from the lands of the Peyton-Campbell company, as given by a certain contract between the Rockbridge alum and Goshen railroad company, James A. Frazier, William G. McCormick and the Virginia iron and railway company, dated the twenty-ninth January, eighteen hundred and ninety-two, and to be recorded in the county court of Rockbridge county, and until the taking of ores from the locality shall be permanently abandoned by it. And in respect of the use of its tracks, as aforesaid, the following rates of toll may be charged for transportation over the same, viz.: Of a person and his baggage, within a hundred and fifty pounds, not exceeding eight cents per mile; of freight, not exceeding ten cents per hundred pounds, and if by the car-load, not exceeding three cents per hundred pounds for ice and furniture, and five cents for other freights; and of any express package within two hundred and twenty-five pounds, not exceeding twenty-five cents per package; and for all distances less than ten miles, a charge may be made at the foregoing rates as for ten miles.

5. This act shall be in force from its passage.

CHAP. 523.—An ACT to incorporate the Rockingham and West Virginia railway, mining, and manufacturing company.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That E. S. Conrad, of Harrisonburg, Virginia; E. D. Root, and P. W. Pugh, of Broadway, Virginia; George C. Dickinson, of Albemarle county, Virginia; Edward Morton, of London, England, and New York city; Edward J. Gallagher, and Henry Parsons, of New York city; Charles J. Ransom, of Oxford, Massachusetts, and J. B. Barton, of Easthampton, Connecticut, or such of them as may accept the provisions of this act, and such other persons as may be hereafter associated with them, and their successors, shall be, and they are hereby, constituted a body politic and corporate under the name and style of the Rockingham and West Virginia railway, mining, and manufacturing company.

2. The said corporation may, by or under its corporate title, make and use a corporate seal, which it may alter or renew at its pleasure, and may sue and be sued, plead and be impleaded, contract and be contracted with, and make by-laws and rules and regulations, consistent with existing laws of the state, for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

3. The capital stock of said company shall be not less than fifty thousand dollars, and may be increased to any amount not exceeding five million of dollars by issue and sale of shares thereof, not less than ten dollars each, from time to time, under such regulations as the board of directors of said company shall from time to time prescribe; and the directors may receive real or personal property in payment for subscriptions to the capital stock at such valuation as may be agreed upon between the directors and the subscribers.

4. The said company shall have power, and may purchase, hold, grant, mortgage, or otherwise dispose of real and personal estate in this state and elsewhere. And the said company shall have power, and may lay out such lands, or any part thereof, into parcels or lots of convenient size, with intervening roads, lanes, streets, and alleys, and develop, improve, work, cultivate, sell, grant, mortgage, or otherwise dispose of in such manner and upon such terms as the said company may think proper; and may contract for, construct, operate, and maintain works of public or private improvement: provided, however, that nothing in this section shall be construed as exempting the said company from the provisions of the general laws of Virginia relative to corporations.

5. The said company shall have power to search for and develop mineral properties; to mine and produce ores and earths useful for manufacturing purposes, coal, iron, lead, and all other minerals, ores and metals; the purchase and sale of the same; the working, reducing, smelting and refining of the same, and the erection of chemical works and steam and water mills, and working of the same; also the construction and maintenance of railroads, tramways, bridges and telegraph lines, connecting the mines and properties of said company with lines and trunk lines of railroads and telegraph lines to or near Riverton as an eastern terminus, and via Powell's fort, at or near Broadway, through Brock's gap to the West Virginia line as a western terminus. And said corporation shall have and exercise all the general powers and functions of a common carrier, and the said company shall have power and may build and maintain pipe lines, water ditches, flumes and reservoirs, and to draw water from any water-course adjacent to their mines and properties.

6. That for the purpose of constructing said railroads, telegraph lines, pipe lines and water ditches, flumes and reservoirs, the said company shall have the right to enter upon any lands over which said railroads, telegraph lines, water-ditches, reservoirs and flumes may pass, for the purpose of surveying the same and locating said railroad, telegraph lines, pipe lines, water-ditches, reservoirs or flumes, and to contract with the owners of said lands for the right of way for any or all of the above-mentioned rights; and upon failure of said company and the owners of said lands to agree upon the price of said right of way, they shall proceed as the law directs for the condemnation of lands.

7. For the construction and operation of the railroads, telegraph lines, pipe lines, reservoirs, water-ditches and flumes, the company shall have the right to issue bonds and to secure the same by mortgage on the property of the company, or any part thereof; to issue preferred stock; to issue bonds secured by mortgage convertible into preferred stock, or preferred stock convertible into bonds secured by mortgage, and to exercise all power necessary to the enjoyment of the franchises and privileges herein granted.

8. The affairs of said company shall be managed by a board of directors, five in number, and may be increased to any number not to exceed fifteen; to hold office for such term as the by-laws of said company shall provide, and until their successors are duly chosen and qualified. Said board shall elect from its members a president, vice-president and treasurer of the company, and they shall hold office for such terms as the by-laws of the said company may provide, and until their successors are duly elected and qualified.

9. That for the management and disposition of the stocks, property, estate, and effects of said company, the board of directors shall make by-laws, rules, and regulations as may be consistent with this act, and shall fix the time of election of directors, and in case of any vacancy in said board, caused by death, resignation, or otherwise, may fill the same. No person shall be a director who is not a stockholder, and any one ceasing to be a stockholder shall cease to be a director.

10. That at all meetings of the stockholders every share of stock shall entitle the holder to one vote, to be given in person or by proxy. Annual meetings of the stockholders of said corporation shall be held for the election of directors, and the place and notice of said meetings to be prescribed in the by-laws; but failure to elect directors on the day appointed in said by-laws shall not be deemed to dissolve said company, but such election may be holden on any day thereafter appointed by the directors, upon due notice as prescribed by the by-laws. The directors, of whom three, including the president (or if increased, as the by-laws direct), shall be a quorum, shall have full power touching the appointment of all officers and employees of the company and the bonds to be required of them for the faithful performance of their duty; and said appointees shall hold office at the will and pleasure of said board. Said directors shall make an annual report to the stockholders of their proceedings and expenditures.

11. If any stockholder shall be in default in the payment of his subscription, as required by the directors, in addition to the right of recovery by the company by legal proceedings, the board of directors are hereby invested with the power and authority, after giving public notice of the time and place of sale for the period of one week in some newspaper published in New York city or Rockingham county, Virginia, to sell at public auction, for cash, the said stock in respect to which such default shall have been made, and to have the same properly transferred to the purchaser, and out of the proceeds of such sale shall be paid the charges and expenses of such sale and the amount due upon said stock, and the surplus, if any, shall be paid to the delinquent or his representative; and if at any such sale there shall be no bidder who will purchase the said stock at a price equal to the charges and expenses of said sale and the entire amount due and unpaid on the stock, the said company may purchase the said stock and hold the same for its benefit.

12. The board of directors may establish officers and agencies in such places as they may think proper, but the principal office of the company shall be located at some point within the limits of the state of Virginia.

13. The annual meeting of the stockholders shall be held in the city of New York on the first Monday in July of each and every year, or on such other day as the stockholders may by resolution adopt in any annual meeting, to take effect at the next annual meeting. A general meeting of the stockholders of said company may be held at any time as provided for by the general laws of Virginia.

14. Whenever ten thousand dollars of said capital stock shall have been subscribed and paid in, the above corporators and their associates, if any, shall be authorized and empowered to organize the said company by the appointment of a president, secretary, and treasurer, and the adoption of such by-laws and regulations as may be deemed necessary for the affairs of said company, and they may proceed to business as provided for in this act.

15. All taxes and debts which may become due from said company to the state shall be paid in lawful money, and not in coupons.

16. This act shall be in force from its passage.

CHAP. 524.—An ACT to authorize the board of supervisors of Floyd county to levy a tax to complete the Floyd and Bent mountain turnpike in said county.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Floyd county be, and the same is hereby, authorized and empowered, in their discretion, to levy a tax for the purpose of grading and completing so much of the Floyd and Bent mountain turnpike in said county as was not properly graded and completed when said turnpike was built, or so much of said turnpike as the board of supervisors may determine.

2. Said levy shall be made along with the county levy, and assessed upon the same property and collected in the same way as the county levy, and shall be paid out on the warrants of the board of supervisors.

3. The board of supervisors shall prescribe such plans, specifications, restrictions, and directions as they shall deem best for letting to contract the work of repairing, completing, and constructing said turnpike.

4. All proceedings to condemn lands necessary for the purposes of this act shall be in conformity with chapter forty-three of the code.

5. This act shall be in force from its passage.

CHAP. 525.—An ACT to empower the council of the town of Cape Charles to borrow money and issue bonds therefor to build a jail.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the council of Cape Charles be, and they are hereby, authorized to borrow for said corporation, for the purpose of building a jail in said town, a sum of money not exceeding fifteen hundred dollars, by the issue and sale of the bonds of the said corporation.

2. The said bonds shall be registered, shall be issued in such denominations as said council shall prescribe, and shall bear interest at a rate not exceeding six per centum per annum, payable annually. The principal of said bonds shall be payable five years after their dates. The said bonds shall be signed by the president of the council, attested by its clerk, with the corporate seal attached, and shall be sold and negotiated in such manner and upon such terms as the council shall prescribe: provided that said bonds be not sold for less than par value.

3. The council of said town shall have power to make annual appropriations out of the revenue of the corporation to pay the interest and provide a sinking fund for the redemption of said bonds.

4. This act shall be in force from its passage.

CHAP. 526.—An ACT to prevent the adulteration of butter and cheese, and the sale of the same and preserve the public health.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That no person shall manufacture out of any oleaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or of cream from the same, any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream of the same, or shall sell or offer for sale the same as an article of food. This provision shall not apply to pure skim-milk cheese made from pure skim milk. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty nor more than one hundred dollars for the first offence, and for each subsequent offence shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

2. That no person, by himself or his agent or servants, shall render or manufacture out of any animal fat or animal or vegetable oils not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from pure, unadulterated milk or cream of the same, nor mix, compound with, or add to milk, cream, or butter any acids or other deleterious substances or any animal fat or animal oils not produced from milk or cream so as to produce any article or substance or any human food in imitation or semblance of natural butter or cheese, nor sell, keep for sale, or offer for sale any article, substance or compound made, manufactured, or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty nor more than one hundred dollars for the first offence, and for each subsequent offence shall be punished by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars. Nothing in this section shall impair the provisions of the first section of this act.

3. That no person shall manufacture, mix, or compound with or add to natural milk, cream, or butter any animal fats or animal or vegetable oils, nor shall he make or manufacture any oleaginous substance not produced from milk or cream, with the intent to sell the same for butter or cheese made from unadulterated milk or cream, or have the same in his possession, or offer the same for sale with such intent; nor shall any article, substance or compound so made or produced be sold, intentionally or otherwise, as and for butter or cheese the product of the dairy; no person shall coat, powder, or color with annatto or any coloring matter whatever, butterine or oleomargarine or any compound of the same, or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream, whereby the said product, manufacture or compound shall resemble butter or cheese the product of the dairy, or shall have the same in his possession with the intent to sell the same, or shall sell or offer the same for sale. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty nor more than one hundred dollars for the first offence, and shall be punished by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars for each subsequent offence. This section shall not be construed to impair or affect the prohibitions of sections one and two of this act.

4. That no keeper or proprietor of any bakery, hotel, tavern, boarding-house, restaurant, saloon, lunch-counter or place of public entertainment, or any person having charge thereof or employed thereat, shall keep, use or serve therein, either as food for their guests, boarders, patrons or customers, or for cooking purposes, any article made in violation of the provisions of sections one, two and three of this act. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and punished by a fine of not less than fifty nor more than two hundred dollars for each offence.

5. That authority to impose such fines, with cost, as are enumerated in sections one, two, three and four of this act shall vest in the same court that exercises jurisdiction of other criminal cases.

6. That all acts or parts of acts, so far as they conflict with the provisions of this act, are hereby repealed.

7. This act shall be in force from its passage.

CHAP. 527.—An ACT to amend chapter 412, acts of 1887 and 1888, entitled an act to incorporate the town of Estillville, in the county of Scott, approved March 5, 1888.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That chapter four hundred and twelve, acts of eighteen hundred and eighty-seven and eighteen hundred and eighty-eight, entitled: "An act to incorporate the town of Estillville, in the county of Scott," approved March fifth, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

The town of Gate City, in the county of Scott, is hereby made and constituted a town corporate, and shall include the territory described by the following boundary lines—to-wit: Beginning at the middle of the door-sill of the front door of the court-house of Scott county, and running south forty-four east, three poles and three links to a set stone in the middle of Jackson street; thence south forty-six, west one hundred and seven poles to a set stone on the lands of Nannie M. Anderson, and marked "A" on the plat of said town; thence north forty-four, west eighty poles to a set stone and dogwood on the lands of S. H. Morrison at "B"; thence north forty-six, east two hundred and fourteen poles, passing a few feet north of Poplar street to a black walnut and poplar on the lands of the Gate City land company at "C"; thence south forty-four, east one hundred and sixty poles

to a set stone near the intersection of Kane and Elm streets at "D"; thence south forty-six, west two hundred and fourteen poles to two beeches on the lands of H. W. Holoway, deceased, at "E"; thence north forty-four, west eighty poles to "A." Said corporation may, by said name of Gate City, sue and be sued, and shall have and exercise all the powers conferred on towns by and be subject to the provisions of chapter forty-four of the code of Virginia, so far as they are consistent with this act, and shall be subject to all laws governing towns of less than five thousand inhabitants, or which may be hereafter enacted.

2. The council of said town may, from time to time, enlarge the boundaries of said town by adding thereto the lots of such persons as desire to be included in said corporation and who shall make application therefor to said council.

3. The officers of said town shall consist of a mayor, five councilmen, a recorder and sergeant, who shall be elected by the qualified voters living within the limits of said town.

4. The election for said officers shall be held on the third Saturday in March annually, and said officers shall enter upon the discharge of their duties on the first day of April next after said election, and thence afterwards until their successors are elected or appointed and qualified: provided that the officers of said town holding at the time when this act takes effect, shall continue to hold and perform the duties of said offices under this act until their successors are elected or appointed and qualified at the next regular election to be held under this act.

5. The council shall have power to fill all vacancies of any office which may occur by death, resignation or otherwise, and may, for good cause, remove from office any officer of said town. A majority of said council shall constitute a quorum to do business.

6. The sergeant of said town shall have the like right of distress and power in the collection of taxes and levies, made by the council of said town, as county treasurers now have in the collection of revenue; and in the service and return of all process, and in the collection of all fines arising under the authority of this act, or under any law or by-law made in pursuance hereof, he shall have and possess the same rights and powers within the jurisdiction of said corporation as the sheriff of Scott county, and shall be subject to like responsibilities, and shall be entitled to like fees for like services, except that he shall not be entitled to commissions for collecting taxes and levies, but his compensation therefor shall be included in his salary, which shall be fixed by the council of said town.

7. The sergeant of said town, upon executing bond, with good security, in the penalty of two thousand dollars before the county court of Scott county, with condition as is required by law for constables, shall have power and authority to execute any and all process within the jurisdiction of said corporation that constables might execute in the same manner, and shall receive like fees for like services, and be subject to like liabilities, responsibilities, and to the same extent that constables are by the laws of this state.

8. The mayor, recorder and each councilman of said town shall and may exercise all of the jurisdiction of justices of the peace in matters both of a civil and a criminal nature, and shall be invested with all of the powers and duties authorized to be exercised by justices of the peace under the laws of this state, and shall be entitled to like fees and compensation for like services, and shall be subject to like liabilities and responsibilities.

9. The mayor, and in case of his absence or disqualification from service, the recorder, or any one of the councilmen shall each have authority and jurisdiction to hear, try, and determine all matters in controversy, either of a civil or a criminal nature, and all matters under the laws, by-laws, and ordinances of said town arising within the jurisdiction thereof, and to issue any and all process, whether original, mesne, or final, which may be necessary to enforce their authority.

10. The officers of said town, in addition to their fees fixed by law, shall receive for their services such compensation as may, from time to time, be allowed by the council of said town.

11. The council of said town may lay a sufficient levy annually for the purpose of defraying the expenses incurred by said town, or for the purpose of erecting buildings and making improvements deemed necessary by said council: provided that the levy so laid shall not exceed one hundred cents on the one hundred dollars' worth of property, and that no other property, trade, profession or occupation shall be liable for taxation than that which is so taxable by the laws of this state.

12. All taxes, general or special, assessed upon the lands or lots within the limits of said town under this act are hereby declared to be and constitute a lien upon said lands or lots in the hands of the owner, or his heirs, devisees, assignees, or subsequent purchaser, or other person claiming the same, and may be collected from such subsequent purchaser or other person entitled to such land or lot in like manner as they might have been collected from the owner or occupier.

13. The council of said town may prevent hogs, dogs, and other animals from running at large within the limits

of said town, and may subject the same to such regulations and taxes as it may deem proper.

14. In all cases in which the laws of this state or the by-laws of said town require a license to be taken by any person, firm, partnership, corporation or association to engage in the pursuit of any business, occupation, trade or calling, or for any other purpose, the council of said town shall have power to require a license to be taken and a license tax to be paid in all such cases for the benefit of said town before such person, firm, partnership, corporation or association shall be permitted to pursue such business, occupation, trade or calling within the corporate limits of said town: provided that the council of said town shall have power to require a license tax, not to exceed one thousand dollars in amount, to be paid for the benefit of said town by any or all persons, firms, partnerships, corporations or associations before engaging in or carrying on the business of rectifying, manufacturing or distilling malt or alcoholic liquors, or of selling or offering for sale by sample or otherwise wine, ardent spirits, or malt liquors, or any mixture of any of them, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, either by wholesale or retail, or to be drunk at the place where sold, or in any other way, within the corporate limits of said town, or within two miles thereof.

15. The council of said town shall have power to pass such laws, by-laws, and ordinances not in conflict with the laws of this state as they may deem necessary for the purpose of abating nuisances and for the prevention of the erection and maintenance of the same; for the construction, maintenance and improvement and preservation of sidewalks and street-crossings; for the opening, widening, and improvement of streets, corners, and alleys; for the better providing against loss by fire or other accidents; for the improvement of the sanitary condition of said town; to prevent the pollution of the water supply to said town; for the better maintenance of peace, good order, and quiet within the corporate limits of said town, and for the general improvement and welfare of said town.

16. The mayor, and in his absence (or in case of his disqualification to act), then the recorder or any one of the councilmen of said town shall have power in cases of violations of any of the by-laws or ordinances of said town, to impose fines of not less than one dollar nor more than one hundred dollars in amount upon any person guilty of such violations, and to this end may issue any and all necessary process, whether original, mesne, or final, and for all violations of the laws of this state committed within the corporate limits of said town or within one-half mile thereof, the said mayor, recorder, or councilman shall have power, and it shall be their duty to dis-

7. The sergeant of said town, upon executing bond, with good security, in the penalty of two thousand dollars before the county court of Scott county, with condition as is required by law for constables, shall have power and authority to execute any and all process within the jurisdiction of said corporation that constables might execute in the same manner, and shall receive like fees for like services, and be subject to like liabilities, responsibilities, and to the same extent that constables are by the laws of this state.

8. The mayor, recorder and each councilman of said town shall and may exercise all of the jurisdiction of justices of the peace in matters both of a civil and a criminal nature, and shall be invested with all of the powers and duties authorized to be exercised by justices of the peace under the laws of this state, and shall be entitled to like fees and compensation for like services, and shall be subject to like liabilities and responsibilities.

9. The mayor, and in case of his absence or disqualification from service, the recorder, or any one of the councilmen shall each have authority and jurisdiction to hear, try, and determine all matters in controversy, either of a civil or a criminal nature, and all matters under the laws, by-laws, and ordinances of said town arising within the jurisdiction thereof, and to issue any and all process, whether original, mesne, or final, which may be necessary to enforce their authority.

10. The officers of said town, in addition to their fees fixed by law, shall receive for their services such compensation as may, from time to time, be allowed by the council of said town.

11. The council of said town may lay a sufficient levy annually for the purpose of defraying the expenses incurred by said town, or for the purpose of erecting buildings and making improvements deemed necessary by said council: provided that the levy so laid shall not exceed one hundred cents on the one hundred dollars' worth of property, and that no other property, trade, profession or occupation shall be liable for taxation than that which is so taxable by the laws of this state.

12. All taxes, general or special, assessed upon the lands or lots within the limits of said town under this act are hereby declared to be and constitute a lien upon said lands or lots in the hands of the owner, or his heirs, devisees, assignees, or subsequent purchaser, or other person claiming the same, and may be collected from such subsequent purchaser or other person entitled to such land or lot in like manner as they might have been collected from the owner or occupier.

13. The council of said town may prevent hogs, dogs, and other animals from running at large within the limits

of said town, and may subject the same to such regulations and taxes as it may deem proper.

14. In all cases in which the laws of this state or the by-laws of said town require a license to be taken by any person, firm, partnership, corporation or association to engage in the pursuit of any business, occupation, trade or calling, or for any other purpose, the council of said town shall have power to require a license to be taken and a license tax to be paid in all such cases for the benefit of said town before such person, firm, partnership, corporation or association shall be permitted to pursue such business, occupation, trade or calling within the corporate limits of said town: provided that the council of said town shall have power to require a license tax, not to exceed one thousand dollars in amount, to be paid for the benefit of said town by any or all persons, firms, partnerships, corporations or associations before engaging in or carrying on the business of rectifying, manufacturing or distilling malt or alcoholic liquors, or of selling or offering for sale by sample or otherwise wine, ardent spirits, or malt liquors, or any mixture of any of them, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, either by wholesale or retail, or to be drunk at the place where sold, or in any other way, within the corporate limits of said town, or within two miles thereof.

15. The council of said town shall have power to pass such laws, by-laws, and ordinances not in conflict with the laws of this state as they may deem necessary for the purpose of abating nuisances and for the prevention of the erection and maintenance of the same; for the construction, maintenance and improvement and preservation of sidewalks and street-crossings; for the opening, widening, and improvement of streets, corners, and alleys; for the better providing against loss by fire or other accidents; for the improvement of the sanitary condition of said town; to prevent the pollution of the water supply to said town; for the better maintenance of peace, good order, and quiet within the corporate limits of said town, and for the general improvement and welfare of said town.

16. The mayor, and in his absence (or in case of his disqualification to act), then the recorder or any one of the councilmen of said town shall have power in cases of violations of any of the by-laws or ordinances of said town, to impose fines of not less than one dollar nor more than one hundred dollars in amount upon any person guilty of such violations, and to this end may issue any and all necessary process, whether original, mesne, or final, and for all violations of the laws of this state committed within the corporate limits of said town or within one-half mile thereof, the said mayor, recorder, or councilman shall have power, and it shall be their duty to dis-

pose of, subject to the same laws and with like jurisdiction as that conferred upon justices of the peace.

17. The criminal jurisdiction of the officers of said town shall extend one-half mile beyond the corporate limits of said town. All fines imposed by the mayor, recorder, and councilmen of said town shall be for the benefit of said town.

18. For the purpose of carrying into effect the police regulations of said town, the town shall be allowed the use of the county jail of Scott county for the safe-keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town; and all persons so confined shall be under the custody and charge of the jailer of said county, who shall receive, keep and discharge the same in such manner as shall be prescribed by the ordinances of said town, or otherwise discharged by due course of law: provided that said council may, if they deem it expedient, require all persons sentenced to jail, or committed thereto in default of the payment of fines assessed against them, to work on the public streets of said town, under such regulations and restrictions as said council may prescribe.

19. The said council shall have power to elect and appoint an assessor or any other officer, not before mentioned, deemed necessary for the purpose of carrying into effect this act, and they may fix a salary for such services as he may perform. Such officer so appointed shall hold his office till the next general election of officers after his appointment.

20. All property, trades, occupations, business occupations, professions or callings now taxed by the general law of this state may, in the discretion of said council, be liable for taxation.

21. No officer elected under this act or appointed under the nineteenth section, shall enter upon the discharge of the duties of his office till he shall have first been duly qualified and taken the usual oath of office.

22. The clerk of the county court of Scott county is authorized and empowered to qualify those persons elected to fill the several offices herein mentioned, by administering to each person elected or appointed the oaths prescribed by law.

23. All acts and parts of acts in reference to said town of Gate City inconsistent with this act are hereby repealed. The said town shall keep its streets in good repair, and pave or macadamize the same as fast as it can under the rate of taxation allowed and other duties imposed, and may require all persons liable to work on roads within said town to work on said streets under the provisions of the road law applicable to Scott county: provided that all persons living within the corporate limits of said town,

who shall be required to work on the streets of said town under the provisions of this act, or to pay a tax on property in said town, real or personal, for that purpose, shall be exempt from the payment of any county road tax in Scott county.

24. This act shall be in force from its passage.

CHAP. 528.—An ACT to provide that all fines collected for offences committed against the state shall be paid and collected only in lawful money of the United States, and shall be paid in the treasury to the credit of the literary fund.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the proceeds of all fines collected for offences committed against the state and directed by section seven of article eight of the constitution of Virginia, to be set apart as a part of a perpetual and permanent literary fund, shall be paid and collected only in lawful money of the United States, and shall be paid into the treasury to the credit of the literary fund, and shall be used for no other purpose whatsoever.

2. This act shall be in force from its passage.

CHAP. 529.—An ACT to amend and re-enact an act entitled "an act to incorporate the Portsmouth park railway and development company," approved February 28, 1890.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the act entitled "an act to incorporate the Portsmouth park railway and development company," approved February twenty-eighth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 4. Said company is authorized to construct and operate a street railway, to run over and through the streets of Portsmouth, Virginia, upon such terms and conditions as may be prescribed by the council of said city, and for the purpose of connecting with such park or parks, or other improvements as may be established, shall have the right to extend, construct, maintain and operate a railway—its cars or trains to be operated and moved by either horse or steam power, or by electricity—to any point within twenty miles of said city, in the counties of Norfolk or Nanse-

mond. Said road shall be begun in two years from February first, eighteen hundred and ninety-two, and be completed in five years from said date.

2. This act shall be in force from its passage.

CHAP. 530.—An ACT to make Blackwater river from Brooks' mill, in Franklin county, to the point at which it empties into Stanton river, a lawful fence.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That Blackwater river, in the county of Franklin, from the point at which it empties into Stanton river to Brooks' mill, in said county be, and the same is hereby, declared to be a lawful fence.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 531.—An ACT to repeal section 22 of an act entitled "an act to provide a charter for the town of West Point, Virginia," approved May 2, 1887.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That section twenty-two of an act entitled "an act to provide a charter for the town of West Point," approved May second, eighteen hundred and eighty-seven (1887), be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 532.—An ACT to amend an act entitled an act to incorporate the Bedford and James river railroad company.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirteen of the act entitled "an act to incorporate the Bedford and James river railroad," approved February sixth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 13. The said company shall be required to commence the construction of said road within two years from the

passage of this act, and to complete the same within seven years thereafter; and the common council of Bedford City and the county court of Bedford shall have the right to order an election for subscription to the capital stock of said company within the period of two years allowed by this act in the same manner and upon the same terms as are required by its charter.

2. This act shall be in force from its passage.

CHAP. 533.—An ACT to provide for a re-registration of the voters of the city of Roanoke.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the electoral board of the city of Roanoke shall, on or before the twentieth day of March, eighteen hundred and ninety-two, order a re-registration of the qualified voters of the city of Roanoke, to be made by the registrars of said city, commencing on the twenty-fifth day of April, eighteen hundred and ninety-two, and continuing for five successive days thereafter, providing in said order the respective places of said registration, and shall make such other requirements as is provided by law in reference to the registration of said voters: provided that nothing in this act shall prevent any qualified voters in said city from registering on the regular registration days as now provided by law who shall fail to register on the days herein provided for.

2. This act shall be in force from its passage.

CHAP. 534.—An ACT to amend section 8 of an act approved March 4, 1890, entitled "an act to incorporate the Northwest and southeast railroad company, extending the time for commencing the construction of said railroad and authorizing the company to begin work in any of the counties named in said act.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That section eight of an act approved March fourth, eighteen hundred and ninety, entitled "an act to incorporate the Northwest and southeast railroad company," be amended and re-enacted so as to read as follows:

§ 8. The time at which work on the Northwest and southeast railroad company shall be extended for two

years from the fourth day of March, eighteen hundred and ninety-two, and shall be completed within five years from its passage; and said company is authorized to begin the work of constructing said road in any county named in said act.

2. This act shall be in force from its passage.

CHAP. 535.—An ACT to impose a tax upon that proportion of the capital stock of all Pullman sleeping, palace, or dining-car companies which is invested and used in this state.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That there shall be a tax of thirty cents on every hundred dollars of the assessed cash value of that proportion of the capital stock of all Pullman sleeping, palace, or dining-car companies which is invested and used in Virginia, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value of the said proportion, to be applied to the support of the public free schools of the state.

2. In order to determine the amount of the capital stock of said companies which is taxable in this state, there shall be taken as a basis of assessment such a proportion of the cash value of the entire capital stock of said companies as the number of miles operated by the companies in this state bears to the whole number of miles operated by them in this and other states.

3. It shall be the duty of the manager, chief agent, or principal accounting officer of said companies in this state to furnish the auditor of public accounts of the state of Virginia with a statement, under oath, of the cash value of the shares constituting the entire capital stock of the said companies, the whole number of miles operated by them in this and other states, and the number of miles operated by them in this state as of the first day of February of each year. This statement shall be made before the first day of June of each year. Should said manager, chief agent, or principal accounting officer of said companies fail to make and deliver this statement to the auditor before the first of June aforesaid, then the auditor shall proceed to make the statement upon the best information he can secure, upon the basis of the statement required above of the manager, chief agent, or principal accounting officer; or should they fail to make it, upon the basis of the statement made by the auditor, the auditor shall proceed to estimate the sum to be paid by said companies.

This sum, if the same be not paid in sixty days, shall be collected by any treasurer to whom the auditor may deliver the same for collection. The treasurer may distrain and sell any property of said company, and shall pay the taxes into the treasury within sixty days after the assessment shall have been delivered to him. All acts and parts of acts in conflict with this are to that extent repealed. Any manager, chief agent, or principal accounting officer who shall fail to do any of the duties required of him by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars.

4. This act shall be in force from its passage.

CHAP. 536.—An ACT to amend and re-enact section 8 of "an act to give aid to soldiers, sailors and marines of Virginia maimed or disabled in the war between the states, and to the widows of Virginia soldiers, sailors and marines who lost their lives in said war in the military service," approved March 5, 1888.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That section eight of an act approved March five, eighteen hundred and eighty-eight, entitled "an act to give aid to soldiers, sailors and marines of Virginia maimed or disabled in the war between the states, and to the widows of Virginia soldiers, sailors and marines who lost their lives in said war in the military service," be, and the same hereby is, amended and re-enacted so as to read as follows, to-wit:

§ 8. After an application has been once so passed, approved and allowed it shall only be necessary for the applicant annually thereafter to file with the auditor of public accounts a certificate from the clerk of the court by which (or by the judge thereof) the original application was approved, setting forth that the applicant is the identical person named in the original application, and that he or she is still alive, and if widow of a deceased soldier, sailor or marine is still unmarried and a resident of this state, and that the applicant has made oath before him that the applicant does not own in his or her own right, or in the right of his wife, property of the assessed value of one thousand dollars, and does not hold a state, county or federal office, the annual fees or salary from which amount to three hundred dollars, and has not an annual income from any source amounting to three hundred dollars, and upon the receipt of such certificate of such clerk the auditor of public accounts shall from time

to time annually draw his warrant upon the treasurer in favor of such applicant for the amount he or she is entitled under this act. Where the applicant is unable to go to the court-house because of sickness, or where the distance to the court-house is too great to walk and the applicant is too poor to pay for transportation, the said oaths may be taken before, and the said certificate given by, a justice of the peace or notary public. The reason why the oath is taken before the justice or notary instead of before the clerk shall be stated in the certificate.

2. This act shall be in force from its passage.

CHAP. 537.—An ACT to amend and re-enact section 5 of an act entitled an act to amend the charter and to extend and define the boundaries of the city of Norfolk, approved April 6, 1887, as amended by an act entitled an act to amend and re-enact sections 5, 6, and 13 of an act to amend the charter and to extend and define the boundaries of the city, approved April 6, 1887, approved March 3, 1890.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That section five of an act entitled an act to amend the charter and to extend and define the boundaries of the city of Norfolk, approved April sixth, eighteen hundred and eighty-seven, as amended by an act entitled an act to amend and re-enact sections five, six, and thirteen of an act to amend the charter and to extend and define the boundaries of the city, approved April sixth, eighteen hundred and eighty-seven, approved March third, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 5. The inhabitants of the territory hereby annexed and the owners of the lands lying therein, shall not be liable on their real and personal property within the said district for the period of fifteen years from the first day of July, eighteen hundred and eighty-seven, for any part of the present debt of the city of Norfolk, nor for the interest thereon, nor shall any tax be levied therefor; nor shall they have to pay an ad valorem tax to the city exceeding the rate levied by the county of Norfolk for general purposes for the year eighteen hundred and eighty-six—viz: seventy cents on the one hundred dollars, unless an increase over the said rate of taxation be ordered by a majority of the votes cast in any election in said ward, which said increase and the amount thereof may be submitted to the vote of the people at any regular election by the councils, upon the recommendation of the local board of improvement, thirty-day notice thereof being published prior

to such election; and unless the city shall, upon a petition of a majority of the property owners on any street in the newly-acquired territory, approved by the local improvement board thereof, open, lay off, grade, gutter, curb or pave, sewer, drain, or otherwise improve such street, or make any other local improvement of a permanent character not applicable to the entire ward, in which case the costs thereof shall be assessed against the owners of real property benefited by such improvement as is at present provided by law in said city, and any part of the costs of same that the city may agree to pay shall be paid as hereinafter provided for by section thirteen of this act (contained in act approved March third, eighteen hundred and ninety). The city shall, upon the petition of a majority of the property owners on any street in the newly-acquired territory, extend a water-main and supply water to the citizens along its line; and the city shall, upon petition of a majority of the owners of the property on any street in the newly-acquired territory lying between two or more cross streets, extend a water-main and supply water to the citizens along the line of said street between the said two or more cross streets: provided the said property lying on the said street between the said two or more cross streets immediately adjoin a street upon which a water-main has been at the time of the said petition already extended; then, in addition to the ad valorem tax for general purposes payable to the city of Norfolk as aforesaid, the same rate of special water tax shall be assessed on the real and personal property along the line of such street wherever a water-main shall have been extended, as may be assessed upon property within the present limits of the city of Norfolk during the year for which such assessment shall be levied, and the same charges shall be made upon those property owners who shall connect their property with the said water main as shall be made upon other property owners in the city of Norfolk, and the cost of laying such water-main may be paid by the city, as may be ordered by the councils on the recommendation of the local board of improvement of the ward in which such water-main may be laid, in whole or in part out of the tax collected for general purposes from such ward; and any balance not so paid shall be paid from the proceeds of bonds to be issued by the city in accordance with section thirteen of an act approved March third, eighteen hundred and ninety, to amend the charter and to extend and define the boundaries of the city of Norfolk, and except, further, that the city shall assess the same licenses for doing business of all kinds within the newly-acquired territory as shall be assessed within the present limits of the city.

2. This act shall be in force from its passage.

CHAP. 538.—An ACT to incorporate the Bristol and Northern railroad company.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That A. D. Reynolds, Frederick B. Hubbell, John H. Dingee, H. W. Flournoy, John M. Wirgman, and J. Walter White, or such of them as may accept the provisions of this act, their associates, successors, and assigns be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Bristol and Northern railroad company, and as such are authorized and empowered to locate, construct, equip, and operate a railroad, commencing at a point on the line between the states of Virginia and Tennessee, in or near the town of Bristol, and running thence by the most practicable route through Little Moccasin gap and the counties of Washington, Scott, Russell, Dickenson, and Wise, or any of them, to a point on the line between the states of Virginia and Kentucky, at or near the Brakes of the Cumberland.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether at law or in equity, and may make and have a common seal, and alter or renew the same at pleasure, and shall have, possess, and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act.

3. The capital stock of the said company shall not be less than fifty thousand dollars, and may from time to time be increased to any amount not exceeding five million dollars by issue and sale of shares, preferred or common stock, or both, upon such terms and conditions and under such regulations as the board of directors of said company shall prescribe, the par value of which shall be not less than one hundred dollars; and the directors may receive cash, labor, material, bonds, stock, real or personal property, in payment of subscriptions to the capital stock, at such valuation and at such prices as may be agreed upon between the directors and the subscribers, and may make such subscriptions payable in such manner or amounts and at such times as may be agreed upon with the subscribers; and whenever one hundred shares shall have been subscribed to and the sum of ten thousand dollars paid in cash, the subscribers, under the direction of any five of the incorporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a president and board of directors, and by electing or providing for the appointment of such

other officers as may be necessary for the control and management of the business and affairs of said company; and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this state.

4. It shall be lawful for said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real or personal and mixed, its contracts and privileges, and its chartered rights and franchises, including its franchise to be a corporation; and it may, as the business of the company shall require, sell, lease, convey, and encumber the same.

5. It shall be lawful for said company to subscribe to and hold shares in the capital stock of any mining, manufacturing, or other corporation; and any mining, manufacturing, or other corporation may subscribe to, guarantee, or hold the stock or bonds of the said company.

6. The said company is authorized and empowered to locate, construct, equip, and operate any lateral or branch roads or tramways not to exceed twenty miles in length, which a majority of its stockholders may determine to construct, maintain, equip, and operate, and by such route as may be determined by its board of directors; and the said company may connect or unite its said road with that of any other company or companies, or consolidate and merge its stock, property, and franchises with and into those of any other company or companies operating or authorized to operate a connecting line of railroad, not a competing line, in this state or in the state of Tennessee or the state of Kentucky, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging, or consolidating; and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger, or consolidation, or any lease or sale: provided, that a copy of every such contract of any consolidation and merger be filed in the office of the board of public works.

7. It shall be lawful for the company to acquire, by donations or purchase, or by condemnation according to the laws of this state, land for right of way, depots, stations, and other purposes necessary for the successful construction and operation of its road through any of the counties where it is authorized to construct its line of road.

8. The said company shall be required to commence the construction of said railroad within two years from the

passage of this act, and to complete the construction of the main line within five years thereafter, or otherwise the powers, privileges, and franchises hereby granted shall be annulled and become void.

9. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name. And the president and board of directors of said company may enact such by-laws, rules, and regulations for the management of the affairs of said company as they may deem proper and expedient.

10. The board of directors shall be stockholders of said company, and shall consist of such number as the stockholders may determine upon, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election, and until their successors are elected and accept the duties of the office, and they shall appoint one of their number president; and in case of the death, resignation, or incapacity of any member of the board of directors during his term of office, the said board shall elect his successor for the unexpired term.

11. Any county, town, or city along the line of said railroad, or any county adjoining another county through which such line passes, may, pursuant to the general laws of Virginia, subscribe to the capital stock of the said railroad company, and the said company is authorized to accept the same.

12. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located in the state.

13. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

14. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves to itself the right to modify, alter, or repeal this act at any time hereafter.

CHAP. 539.—An ACT to authorize the board of supervisors of Warwick county to borrow money by the issue of bonds, and to provide for the payment thereof.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Warwick county be, and they are hereby, authorized and empowered to issue bonds

in the name and on behalf of Warwick county for a sum not to exceed in the aggregate twenty-five thousand dollars, and to sell the said bonds under such conditions as are hereinafter prescribed.

2. That the money secured from the sale of said bonds shall be applied to the payment of such claims against the said county as shall have accrued prior to the first day of January, eighteen hundred and ninety-two, and to the payment of all claims now due, or which may hereafter become due, for the erection of and furnishing the new courthouse, jail and clerk's office, now in process of construction at Newport News.

3. That the bonds issued by authority of this act shall be coupon bonds of not less in denomination than one hundred nor more than five hundred dollars each, and payable in not less than five nor more than fifty years from their date, and bearing interest, payable semi-annually, at the rate of not more than six per centum per annum. Said bonds shall be signed by the chairman of the board of supervisors and attested by the clerk of the county court of said county, and shall have affixed thereto the seal of the said board of supervisors.

4. That the said bonds shall not be sold for less than their par value, and the coupons for interest to accrue thereon shall be redeemable in lawful money at maturity, and shall be receivable for all taxes and debts due to the county of Warwick, except school levies.

5. That the board of supervisors of the said county shall, in addition to the levy for county expenses, annually levy upon such subjects for taxation as are now or may hereafter be liable by law for the county levy a sufficient sum to meet the interest on the said bonds as it may accrue, and to retire and cancel such a portion of said bonds as will redeem the whole within the time they shall run, according to their tenor and date; and the faith and the property of the county of Warwick are pledged to the prompt payment of the principal and interest of said bonds.

6. That all money realized from the sale of the said bonds shall be received by the treasurer of the said county, who shall be liable on his official bond for the proper custody and disbursement thereof, and he shall be entitled to receive for his services a commission of two per centum for the amount that shall pass through his hands, and he shall account for the same to the board of supervisors of said county.

7. That the said bonds and coupons shall be redeemable at the office of the treasurer of Warwick county, and when redeemed by him shall be marked paid and cancelled.

8. This act shall be in force from its passage.

CHAP. 540.—An ACT for the further relief of the sureties of C. H. Ingles, late treasurer of Henry county.

Approved March 1, 1892.

Whereas an act was passed March fourth, eighteen hundred and ninety, giving the sureties of C. H. Ingles, late treasurer of Henry county, until March fourth, eighteen hundred and nine-two, to pay in Riddleberger bonds a judgment of the state for eleven hundred and fifty-nine dollars and fourteen cents recovered against them; therefore,

1. Be it enacted by the general assembly of Virginia, That the time thereunder within which Riddleberger bonds may be delivered to the auditor of public accounts in satisfaction of said judgment be extended to March fourth, eighteen hundred and ninety-three, or said sureties may, in lieu of Riddleberger bonds, deliver to the auditor bonds of the state of Virginia that may hereafter be issued under the Olcott settlement.

2. This act shall be in force from its passage.

CHAP. 541.—An ACT to incorporate the Radford street railway company.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That James L. Radford, William Ingles, J. Hoge Tyler, W. R. Wharton, W. H. Barclay, W. W. Justice, W. J. Kenderdine, Joseph I. Doran, and Charles H. Mellon, or such of them as may accept the provisions of this act, their associates, successors, and assigns be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Radford street railway company, and by that name shall be known in law, and as such are authorized and empowered to locate, construct, maintain, and operate a street railway on any streets or highways in Radford, and in Montgomery and Pulaski counties in the vicinity of Radford, for public use in the conveyance of passengers by any power other than locomotive, and to collect tolls and fares on the same.

2. Such street railway shall not be located or constructed except with the consent and under regulations first had and obtained of the local authorities having control of the streets or highways proposed to be used; and when the said company desires to use any bridge erected at private ex-

pense, the consent and approval in writing of the parties erecting such bridge must be previously had and obtained; and when the company desires to use the part of any street or highway macadamized by or at the expense of the Radford land and improvement company, the consent and approval of the Radford land and improvement company in writing, as to the use of the part so macadamized, under its corporate seal, must also be previously had and obtained.

3. The roadway and tracks of said company shall be located, constructed, operated, and maintained by it in such manner as not to interfere with or obstruct the ordinary use of the streets or highways used by it.

4. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether at law or in equity; and may make and have a common seal, and alter or renew the same at pleasure; and shall have and possess and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act.

5. The capital stock of said company shall not be less than twenty-five thousand dollars, and may, from time to time, with the consent of a majority of the stockholders, be increased to an amount requisite for the purposes of the said company by issue and sale of shares, the par value of which shall not be less than fifty dollars, from time to time, under such regulations as the board of directors of said company shall, from time to time, prescribe; and the directors may receive cash, labor, material, real and personal property suited to the business of said company in payment of subscriptions to the capital stock at such valuations as may be agreed upon between the directors and the subscribers, and may make such subscriptions payable in such a manner or amounts at such times as may be agreed upon with the subscribers.

6. It shall be lawful for the company to acquire, by donations or purchase, land for right of way, depots, stations, and other purposes necessary for the successful construction and operation of its road, and to contract with other corporations for the supply of power it may require for the operation of its line.

7. It shall be lawful for said company to borrow money or issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper, and to secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, railroads, privileges, contracts, and franchises, including its franchises to be a corporation.

8. The said company shall be required to commence the construction of said railway within two years and complete

three miles thereof within two years thereafter, or otherwise the powers, privileges, and franchises hereby granted shall be annulled and become void.

9. The persons first named in this act, or such of them as shall accept the provisions thereof, shall have the power and authority of a president and board of directors for the purpose of organizing and all other purposes. They shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his name.

10. The board of directors shall be stockholders of said company. They shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal; in which case the same shall be filled by the stockholders in general meeting. Whenever twenty-five per centum of the capital stock shall have been subscribed and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of business.

11. All taxes and debts due and to become due to the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

12. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves to itself the right to modify, alter, or repeal this act at any time hereafter.

13. This act shall be in force from its passage.

CHAP. 542.—An ACT for the relief of C. W. Hardin.

Approved March 1, 1892.

Whereas it appears from a statement in writing, supported by affidavit of James D. Anderson, late treasurer of Rockbridge county, Virginia, that on the second day of August, eighteen hundred and eighty-six, the said Anderson, acting in his capacity as treasurer, sold five acres of land on Broad creek, in the said county of Rockbridge, Virginia, for delinquent taxes to C. W. Hardin for eighty-five dollars and fifty-five cents, of which amount thirty-four dollars and thirty-one cents was due the commonwealth; and whereas the said Hardin paid the sum of money to said Anderson, treasurer; and whereas the said Anderson, treasurer as aforesaid, has covered said money into the treasury at Richmond, Virginia; and whereas it

further appears from the said statement that at the time of such sale it had been improperly assessed in the name of both Thomas L. Miller's heirs, who held the legal title, while at the same time it had been improperly placed upon the land-books by the assessor in the name of H. R., G. M. and D. E. Pearce, who had previously purchased the property and paid all the taxes thereon, with J. G. Swartz marked in possession, and overlooking this fact the said treasurer had sold it as the property of the said Miller's heirs for their delinquency; and whereas the said C. W. Hardin has paid thirty-four dollars and thirty-one cents, which has been covered into the treasury of the commonwealth without receiving any equivalent in return, and being in no default on his part; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to issue his warrant in favor of C. W. Hardin, of the county of Rockbridge, Virginia, for the sum of thirty-four dollars and thirty-one cents.

2. This act shall be in force from its passage.

CHAP. 543.—An ACT to authorize the clerk of Radford school board to take a census of Radford district.

Approved March 1, 1892.

Whereas by the passage of an act incorporating Radford city there was brought into the Radford school district a large number of children between the ages of five and twenty-one years; therefore,

1. Be it enacted by the general assembly of Virginia, That the clerk of the Radford district school board during the month of June or July, eighteen hundred and ninety-two, shall take a census of all persons between the ages of five and twenty-one years residing within the school district, and gather statistics relating to the interest of education in said district, according to the form furnished by the superintendent of public instruction; and in so doing the said clerk shall be governed and be paid according to section fourteen hundred and sixty-two of the code of eighteen hundred and eighty-seven.

2. This act shall be in force from its passage.

CHAP. 544.—An ACT to amend and re-enact section 3796 of the code of Virginia, in reference to punishment of the offence of cruelty to animals.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-seven hundred and ninety-six of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3796. Cruelty to animals; how punished.—A person who overrides, overloads, tortures, or cruelly beats, or unjustifiably injures, maims, mutilates, or kills any animal, whether belonging to himself or another, or deprives any animal of necessary sustenance, food or drink, or causes, procures, or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated, or killed, or to be deprived of necessary food and drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or who, having in custody a maimed, diseased, disabled, or infirm animal, and abandons such animal, or leaves it to die in a public street, road, or public place, or who shall carry or cause to be carried in or upon any vessel or vehicle, or otherwise carry any animal in a cruel or inhuman manner, or so as to produce torture, shall be fined not more than fifty dollars for each offence. Be it further enacted, that the provisions of this act may be enforced by any justice of the peace in the cities, towns, or counties wherein the offence is committed, or the offender may be found; and every such offender shall have the right of appeal to the corporation court in cities and county court in counties.

2. This act shall be in force from its passage.

CHAP. 545.—An ACT to amend and re-enact section 21 of the charter of the city of Richmond in relation to publication of city ordinances.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That section twenty-one of the charter of the city of Richmond be amended and re-enacted so as to read as follows:

§ 21. No ordinance hereafter passed by the city council, for the violation of which any penalty is imposed, shall take effect until the same shall have been published for five days consecutively in one of the daily newspapers of said city, to be designated by the said council: provided,

however, that the requirement shall not apply to an ordinance merely granting to a person some individual right or privilege, nor to any ordinance reordained, or amended and reordained in or by compilation or codification of said ordinances. A record or entry made by the clerk of said city, or a copy of such record or entry duly certified by him, shall be prima facie evidence of the time of such first publication; and all laws, regulations, and ordinances of the city council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, either from a copy thereof certified by the clerk of said city, or from the volume of ordinances printed by the authority of the city council.

2. This act shall be in force from its passage.

CHAP. 546.—An ACT to authorize the board of supervisors of Bedford county to levy a tax on dogs.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Bedford county be, and they are hereby, authorized to levy a tax on dogs in said county, said tax not to exceed one dollar on each male and two dollars on each female dog over six months old; that said board of supervisors is authorized to devote the proceeds of said tax to the payment of claims for sheep killed by dogs, and to turn over any surplus after the payment of said claims to the school fund of the county.

2. All acts or parts of acts in conflict with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 547.—An ACT to authorize the Fairview cemetery company, of Roanoke county, to appoint police agents.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the president of the Fairview cemetery company, of Roanoke county, Virginia, a company duly incorporated by the laws of this state, may, with the approbation of the county court of Roanoke county, appoint one or more police agents, who shall have authority, upon the cemetery grounds and within three hundred yards thereof of said

company's property, to exercise all the powers which can lawfully be exercised by any constable for the preservation of the peace, the arrest of offenders and disorderly persons, and for the enforcement of the law against crimes.

2. This act shall be in force from its passage.

CHAP. 548.—An ACT making the middle and south fork of Holston river a lawful fence in certain portions of Washington county.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the middle and south fork of Holston river be made a lawful fence from the forks of said rivers below Joseph Keller's, in Washington county, down the same to the Tennessee line.

2. This act shall be in force from its passage.

CHAP. 549.—An ACT to amend and re-enact section 1591 of the code of Virginia, relating to the appointment of visitors to the Virginia agricultural and mechanical college as amended and re-enacted by an act approved March 6, 1890.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That section fifteen hundred and ninety-one of the code of Virginia as amended by an act approved March sixth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 1591. Appointment of visitors of the college.—The governor, by and with the advice and consent of the senate, shall appoint eight persons from farmers, mechanics, and graduates of said college as visitors of said college, selecting, if practicable, two from each of the four grand divisions of the state. Their term of office shall be for four years. The present division into two classes, designated as the first class and second class, each composed of four visitors, shall continue, and when and as the terms of office of the present members of each class shall expire the governor shall then, and annually thereafter, by and with the advice and consent of the senate, appoint successors to those whose terms have expired. If a vacancy occur during the recess of the general assembly the governor shall fill it by appointment for the unexpired term of the late incumbent, subject to the ratifica-

tion of the senate at the next session of the general assembly. The eight persons so appointed, together with the superintendent of public instruction, who shall be ex-officio member, shall constitute the board of visitors.

2. This act shall be in force from its passage.

CHAP. 550.—An ACT to provide for the copying and preserving the old records of certain counties in the state of Virginia, and to make an appropriation therefor.

Approved March 1, 1892.

Whereas the records of many of the old counties dating back to colonial times are more or less complete, and full of historical matter referring and relating to the general history of the state of Virginia, and without doubt if carefully examined in convenient form would throw important light on its early colonial history; and the older volumes, on account of great age and the constant handling incident to their use are being destroyed, and if not copied at an early day will be irrevocably lost, and are at present lodged in the clerk's offices of said counties, which are buildings not fire-proof, and the chance of fire is therefore a constant menace to their safety; and for the better preservation of such books and records copies should be in the library of the state; therefore,

1. Be it enacted by the general assembly of Virginia, That the secretary of the commonwealth be, and is hereby, authorized, empowered, and directed to order the copying of all volumes of the county records of all counties in the state dating prior to seventeen hundred, and to purchase, or caused to be purchased, suitable books for the purpose: provided that the rates paid for copying shall not exceed four cents per one hundred words.

2. That after such copies have been made and properly compared and verified, under the supervision of the clerk of the county court of said counties, or some competent person appointed by the secretary of the commonwealth, and the said copies, so compared and verified, certified as true by the clerk of the said county court by the certificate at the end of each volume thereof, the said copies shall be forwarded to Richmond and placed among the archives of the state for safe-keeping, and a copy from any such certified book, attested by the secretary of the commonwealth, shall serve every purpose of a copy from the original, and for all such copies the secretary of the commonwealth shall have and be entitled to the same fees as are provided by law for clerks of courts for like copies, and such fees shall not be considered fees of his office.

3. That the county court, by an order entered of record when any such books or records are directed to be copied under the provisions of this act, may, in its discretion, allow the same to be taken from the clerk's office for copying, but shall take all necessary and proper precaution by requiring bonds in the sum of not less than one thousand dollars, conditioned for the faithful and proper copying of the said original records, the preservation and return thereof to the said county court, and also to prevent the mutilation thereof.

4. That the costs incurred for copying, comparing, verifying, and certifying said records under the provisions of sections one and two of this act shall be certified as each volume shall be completed by the clerk of the county court to the secretary of the commonwealth, to be paid out of the funds provided for in section six of this act.

5. The secretary of the commonwealth, in his discretion, may select such records of such counties as shall be first and from time to time copied and transcribed.

6. That the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated to pay the cost of transcribing and copying such books when properly certified by the clerk of the county court, and for such expenses as may be incurred in the execution of this act.

7. And the secretary of the commonwealth may, from time to time, draw his warrant upon the treasury for such part of such appropriation as may be required.

8. This act shall be in force from its passage.

CHAP. 551.—An ACT to amend and re-enact an act entitled an act to authorize the United States government to acquire title and jurisdiction to five acres of land extending to high-water mark on Fisherman's island, in the county of Northampton, for the establishment of a quarantine station, approved January 18th, 1892.

Approved March 1, 1892.

Whereas the government of the United States desires to acquire title to certain land known as "Fisherman's island" or "Liuen Bar," situated in the county of Northampton off the point of Cape Charles, between the Atlantic ocean and Chesapeake bay, for the purpose of establishing a quarantine station; therefore,

1. Be it enacted by the general assembly of Virginia, That in writing the consent of this commonwealth be, and is hereby, given to the acquisition of said title, so that congress may exercise such authority and jurisdiction

over the said island as is within the contemplation of the seventeenth clause of the eighth section of the first article of the constitution of the United States.

2. This state retains concurrent jurisdiction with the United States over the said place or island, so far as it lawfully can consistently with this act, and its courts, magistrates and officers may take such cognizance, execute such process and discharge other legal functions within the same as may not be incompatible with the true intent and meaning of this act.

3. If the purposes of this grant shall cease, or if there shall be for five years consecutively a failure on the part of the United States to use said place or island for the purpose herein expressed, then the jurisdiction herein granted shall cease.

4. The said place or island, and the buildings and improvements to be erected thereon for the purpose aforesaid, are hereby exempted from all taxes imposed by this state, or by the county of Northampton, so long as the same shall be held and used by the United States for the purpose hereinbefore mentioned, and no longer.

5. Should the property herein granted be used for any other purposes than that specified herein by the United States government, or under its authority, then the same shall be subject to taxation as other property in the state.

6. This act shall be in force from its passage.

CHAP. 552.—An ACT to amend chapter 526 of session acts of 1889-'90 entitled an act to prevent obstruction of streams in the county of Mecklenburg.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That chapter five hundred and twenty-six of session acts of eighteen hundred and eighty-nine and eighteen hundred and ninety, entitled "an act to prevent obstruction of streams in the county of Mecklenburg," be and is so amended as to read as follows:

526. It shall be unlawful for any person or persons to obstruct any and all streams in the county of Mecklenburg otherwise than by mill-dams or fish-dams.

2. This act shall be in force from its passage.

CHAP. 553.—An ACT to establish a market day for cattle in Richmond.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That in the city of Richmond, and within one mile of the corporate limits of said city, the market-day for the sale of beef cattle shall be on two days in each week—viz: Thursday and Friday, and for the sale of other kinds of stock on any day in the week, Sunday excepted.

2. That no stock of whatever nature used for food shall be sold or offered for sale on Sundays (said sale or offers of sale to be evidenced by owners or agents selling or offering same to purchaser, or by any agreement or understanding being reached between buyer and seller as to price of said stock, or by said stock being marked, weighed, or delivered on said day to purchaser.)

3. That any owner or agent violating this act shall be subjected to a fine of not less than fifty nor more than five hundred dollars for each and every offence so proved against him.

4. This act shall be in force from May first, eighteen hundred and ninety-two.

CHAP. 554.—An ACT to incorporate the Virginia farming company.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That Park L. Poindexter, Dr. William Schmoele, junior, of the county of Norfolk, Virginia; J. P. Andre Mottee, of Holland; J. O. Magruder, of Albemarle county, Virginia; C. J. Campbell, Amherst county, Virginia; Newton McAlpine, Portsmouth, Virginia, with such other persons as they may hereafter associate with them, be, and are hereby, constituted a body corporate and politic under the name and style of the Virginia farming company, and under that name shall have perpetual succession and a common seal, which they may alter or amend at pleasure; shall sue and be sued, implead and be impleaded, contract and be contracted with, and have and exercise all the powers and privileges of a corporation granted by the general laws of this commonwealth not inconsistent with the terms of this act.

2. The capital stock of this company shall not be less than five thousand dollars nor more than one million dol-

lars, in shares of fifty dollars each, and the principal office of the company shall be in some city of this state.

3. The corporators hereinabove named, or any three of them, may act as commissioners to receive subscriptions to the capital stock of said company from individuals, or from other corporations or associations, in money, land, or other valuable considerations, and when the minimum capital shall have been subscribed the subscribers may, at the call of said commissioners, meet in person or by proxy in the city of Norfolk or Portsmouth and organize by the election of five directors.

4. The board of directors shall elect a president and vice-president from its own membership, and appoint a secretary and treasurer, the latter of whom may be required to give bond in such sum as the by-laws of the company shall prescribe. After organization as aforesaid the stockholders, at any general meeting, may increase the number of directors, and may provide for the proper government of the corporation by such by-laws as they may deem fit and proper. The board of directors may appoint such subordinate agents and officers of the company as they may deem necessary for the proper dispatch of the business of the company.

5. In consideration of the important objects and purposes of this company, to-wit: the encouragement of settlers in the state of Virginia, assistance to them in procuring transportation, in selecting homes, in the erection of houses, in developing hidden resources and uncultivated lands, and reclaiming sunken lands of the Dismal swamp, increasing the population and taxable values of the state—the following powers and privileges are hereby granted to the said Virginia farming company: to deal in real estate, either as purchaser and owner or agent for buyer and seller; to negotiate loans as agent or principal, and to charge therefor according to the laws of this state; to guarantee titles of real estate to purchasers; to lay out towns; to erect buildings; to conduct grist and saw-mills and general lumber business; to purchase, own, or sell canals; to cut and construct ditches, drains, dykes, dams, and raceways as may be necessary for improving its lands for agricultural, grazing, lumbering, and building purposes; to conduct the general farming business; to subdivide large tracts into small farms for sale, lease, or rent, and to establish and operate manufactories.

6. Every stockholder in the said company, whether an American citizen or an alien, shall have equal right to hold stock and to be eligible for office in the said company.

7. The personal liability of any and every stockholder shall be limited to the amount due and unpaid upon the shares of stock owned by him.

8. The board of directors shall cause to be kept a book in which shall be recorded the ownership, locality and acreage of each tract or parcel of land entrusted to the company for sale, and it shall be lawful for the company to charge each person entering land, for record and sale, a fee of ten dollars, and an additional fee of twenty-five cents on the hundred dollars of the owner's valuation of such property in excess of one thousand dollars, and this recordation shall constitute an option in favor of the company for one year, but the length of option and terms of commission may be made a matter of contract between the company and the owner, and the company is authorized to charge a reasonable commission to the buyer or seller of any property so entrusted to it.

9. The said company shall have power and authority to borrow money, and to secure its payment by deeds in trust or mortgages on its property, and to make and deliver, and to take and receive promissory notes, bills of exchange, bonds and such other instruments of writing as may be necessary and proper for the performance of its business; and all grants and conveyances of property which shall be made to said company shall be held by it in its corporate name; and all grants, bargains and sales, or contracts which shall be made by said company shall be signed and sealed by its president or vice-president with its corporate seal, and countersigned by its secretary, and when so signed, sealed and countersigned, shall be effectual to pass lands or any property therein described, according to the legal effect, true intent and meaning of all such conveyances, grants, bargains and sales and contracts.

10. The taxes assessed upon said company shall be payable only in lawful money of the United States, and not in coupons.

11. This act shall be in force from its passage.

CHAP. 555.—An ACT for the relief of James C. Haynes, treasurer of Montgomery county.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That James C. Haynes, treasurer of Montgomery county, and his deputies may, until the first day of July, eighteen hundred and ninety-two, levy for, distrain for, and collect all state and school taxes and all levies laid by the board of supervisors for the said county for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight and eighteen hundred and eighty-nine which have not been returned delinquent.

2. This act shall be in force from its passage.

CHAP. 556.—An ACT in relation to shooting wild fowl on the east side of Northampton county.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful to shoot geese, ducks, brant, and other wild fowl on the east side of the county of Northampton within the time prescribed by law—from battery or sink-box—but this privilege shall only extend to citizens of said county and persons who have bought property for gunning purposes in said county.

2. This act shall be in force from its passage.

CHAP. 557.—An ACT to allow the board of supervisors of Bath county to borrow money to build a bridge.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Bath county be, and it is hereby, authorized and empowered if, in the judgment of a majority of said board it is advisable to do so, to cause to be erected a bridge across Cowpasture river, on the line of the Harrisonburg and Warm Springs turnpike, in Bath county.

2. That said board is hereby authorized and empowered to borrow money in the name of and on the credit of said county to an amount not exceeding thirty-five hundred dollars, at a rate of interest not exceeding six per centum per annum, and issue bonds therefor, either registered or coupon, at the discretion of said board, redeemable not later than ten years from their date, and to levy a tax not exceeding ten cents on each one hundred dollars of the taxable value of the said property of said county, and apply the same to the purpose aforesaid. Said bonds shall not be negotiated at less than their par value.

3. Said board is hereby given the power to provide a sinking fund for the retirement of the bonds issued under this act: provided, however, that no tax levied for such purpose shall exceed the sum of ten cents on the one hundred dollars of taxable value in each year.

4. This act shall be in force from its passage.

CHAP. 538.—An ACT to allow counsel for the commonwealth and the prisoner, on the trial of all cases of felony and misdemeanor, to make an opening statement.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That on the trial of any case of felony or misdemeanor, and before any evidence is submitted on either side, counsel for the commonwealth and for the prisoner, respectively, shall have the right to make an opening statement of their case to the jury.

2. This act shall be in force from its passage.

CHAP. 559.—An ACT to amend and re-enact sections 3807 and 3810 of the code of Virginia, 1887, relating to the protection of religious meetings and meetings for the promotion of the cause of temperance.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That sections thirty-eight hundred and seven and thirty-eight hundred and ten be amended and re-enacted so as to read as follows:

§ 3807. If any person erect or have any booth, stall, tent, carriage, boat, vessel, vehicle or other contrivance for the purpose of selling or otherwise disposing of any spirituous or fermented liquors, or any other article of traffic, or sell or otherwise dispose of any spirituous or fermented liquors or any other article of traffic, within three miles of any camp-meeting or other place of religious worship or place of any public meeting for the promotion of the cause of temperance, during the time of holding any meeting for religious worship or for the promotion of the cause of temperance at such place, he shall for the first offence be fined not less than ten nor more than twenty dollars, and be committed to jail until the fine and costs are paid; and for the second offence be fined as aforesaid, and confined in jail not less than ten nor more than thirty days.

§ 3810. The supervisors or any justice of the magisterial district where a religious meeting or other meeting held for the purpose of promoting the cause of temperance may appoint a temporary police to aid in enforcing any of the provisions of section thirty-eight hundred and five and the sections following to thirty-eight hundred and eight inclusive.

2. This act shall be in force from its passage.

CHAP. 560.—An ACT to repeal an act passed on November 27, 1884, to provide for removing obstructions in Little Roanoke creek in Charlotte county, Virginia.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That an act passed November twenty-seventh, eighteen hundred and eighty-four, to provide for removing obstructions in Little Roanoke creek, in Charlotte county, Virginia, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 561.—An ACT to allow J. H. Whealton to erect a wharf on the Rappahannock river.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That J. H. Whealton, of the county of Lancaster be, and he is hereby, authorized to erect a wharf on the land belonging to the said J. H. Whealton, in the county of Lancaster, on the Rappahannock river, subject to all the laws of the state governing all wharves erected on the waters of the commonwealth: and provided, also, that this act shall at all times be under the control of the general assembly, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 562.—An ACT to amend section 5 of an act entitled an act to incorporate the Norfolk and Atlantic terminal company, approved January 28, 1892.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That section five of an act entitled "an act to incorporate the Norfolk and Atlantic terminal company," approved January twenty-eighth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 5. The said company shall have the right to construct, equip, and operate one or more railway lines, to be propelled by horse, steam, or electric power, over said turnpikes or other routes from Sewell's Point, in Norfolk county, over said Tanner's creek into the city of Norfolk, and to connect either within or outside of said city by branch

roads or sidings with other railways or street-car lines running into the city of Norfolk, the said company to use none of the streets of the said city without the consent of the city councils and under their regulation, and to acquire, by purchase or condemnation proceedings, such lands as may be necessary to said tracks, roads, or for the buildings and works of said company: provided that nothing herein contained shall be construed to authorize the construction, use, or operation of any street railway within the limits of the city of Norfolk nearer than two squares on any street parallel to any street which is now occupied by a street railroad, or which the city councils of the city of Norfolk have authorized the Norfolk city railroad or the Suburban and city railroad and improvement company to occupy: provided further, that the said company shall have no right to acquire property in the corporate limits of the city of Norfolk by condemnation proceedings.

2. This act shall be in force from its passage.

CHAP. 563.—AN ACT to provide for cleaning out and removing obstructions from the Appomattox river, between the county of Prince Edward and the counties of Buckingham and Cumberland.

Approved March 1, 1882.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of Prince Edward county, and for the board of supervisors of Buckingham county, and for the board of supervisors of Cumberland county, Virginia, each to impose, levy and cause to be collected an annual tax of twelve cents per acre upon all lowlands subject to overflow lying within their respective counties on Appomattox river, from the point where said river begins to be the dividing line between the county of Prince Edward and the county of Buckingham, to the point where it begins to be the dividing line between the county of Cumberland and the county of Amelia, and apply said taxes so collected to the purpose of cleaning out and removing the obstructions from said river along its course as it flows between the county of Prince Edward, on the one side, and the counties of Buckingham and Cumberland on the other.

2. The said board of supervisors shall cause the said river, where it is the dividing line between said counties, to be laid off and divided into such numbers of districts as they may deem best, and upon the application of a ma-

majority of the owners of the lands on either side of said river subject to taxation under section first of this act, shall appoint one or more persons as overseer or overseers of river improvement, and shall ascertain and determine what portion of said river such person or persons so appointed shall have in charge for the purpose of cleaning out and removing obstructions from the same. The said boards of supervisors, for the purpose of laying off said river into districts and appointing said overseer or overseers of river improvement, may meet annually jointly at some convenient place in either of said counties previously agreed on, or may appoint committees of their respective boards so to do; the action of such joint meeting or the report of said committees, when made to their respective boards and approved, shall be recorded in the minutes of such boards.

3. It shall be the duty of such overseer or overseers of river improvement, when so appointed, to ascertain the owners of lands in their respective districts which are liable to overflow by said river, and the number of acres owned by each, and make report thereof in writing to the board of supervisors of the county in which such land lies.

4. The said board of supervisors shall, upon receiving said report, cause to be made out against each of said owners of land so reported a tax ticket at twelve cents per acre for each acre of land so reported, and deliver the same for collection to the overseer of river improvement making said report, and take his receipt therefor. But such overseer of river improvement shall not receive said tax tickets until he shall have entered into bond, with approved security before such board of supervisors, payable to them, in a penalty double the amount of all of said tax tickets so received by him, and conditioned faithfully to account to said board of supervisors for all collections to be made by him on said tax tickets, and faithfully to discharge the duties of his office.

5. The said overseer or overseers of river improvement shall proceed to collect said taxes, and may levy for the same on any personal property, not exempt by law, found upon the land of the owner of lands so taxed, and shall, out of the moneys so collected, proceed to remove from the Appomattox river, within his district, all obstructions in said river and clean out said river.

6. The compensation of said overseer of river improvement shall be one dollar and fifty cents per day for every day in which he shall be actually engaged in ascertaining the number of acres of land and the owners thereof, in collecting said tax, and in removing the obstructions and cleaning out said river in his district. Each overseer of river improvement shall annually, or oftener if so required, file before the board of supervisors of each of said

counties an itemized account, verified by his affidavit, of his receipts and disbursements under this act, and return therewith any tax tickets not collected by him.

7. Any person so assessed with taxes may pay the same in work or labor, or materials for use by such overseer of improvement, at prices to be agreed upon between such overseer of improvement and such land owner, and when this is done the report of such overseer, provided for in the sixth section of this act, shall show the terms of such contract and the manner in which it was complied with.

8. Any person felling trees or putting obstructions in said river where it is the dividing line between the county of Prince Edward and the county of Buckingham or the county of Cumberland, and who shall fail to remove the same within ten days after notice by the overseer of river improvement in which such tree or obstruction may be, shall be, upon conviction, fined not less than one nor more than five dollars by a justice of either of said counties for each offence, which fine shall be collected by such overseer of river improvement, which fine shall be used by him in removing such obstruction.

9. This act shall be in force from its passage.

CHAP. 564.—An ACT for the relief of the Chesterfield land and improvement company.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the Chesterfield land and improvement company may, within three months from the passage of this act, have leave to apply to the hustings court of Manchester to correct any error in the assessment on the tract of eight acres of land owned by said company in the city of Manchester.

2. This act shall be in force from its passage.

CHAP. 565.—An ACT to allow W. S. Summers, deputy treasurer of Broad Run district, Loudoun county, additional time to levy for and collect county levies and state taxes, tax tickets therefor held by said deputy treasurer, which he has settled with the auditor and with the board of supervisors of the said county without returning the same delinquent.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That W. S. Summers, deputy treasurer of Loudoun county,

may within one year from the passage of this act distrain for and collect any uncollected tax tickets for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, eighteen hundred and ninety and eighteen hundred and ninety-one still in his hands and not returned delinquent.

2. This act shall be in force from its passage.

CHAP. 566.—AN ACT to provide for the working and keeping in repair the public roads of Amherst county.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That in and for the county of Amherst the board of supervisors is hereby made and constituted a road board, and as such shall have worked and kept in repair the public roads of said county, by adopting such rules and regulations as they may deem proper, expedient, and necessary.

2. The said board of supervisors is empowered and authorized to levy (when it makes its annual county levy) a road tax not to exceed fifteen cents on the one hundred dollars' worth of property, to be collected by the county treasurer; but the tax so levied and collected in each district shall be used and applied in that respective district by said road board, except that of the Richmond and Danville railroad, which shall be divided equally between the four districts.

3. Said road board is empowered to require all parties not "road free" under existing laws to work not to exceed three days on some road in each year, and for failure to work, after having been notified, each party shall pay a fine of seventy-five cents a day, to be collected by the road surveyor, who is empowered to collect the same as taxes are collected, and who shall receive therefor a fee of twenty-five cents, to be paid by the delinquent, in addition to the road fine, and all fines so collected shall be reported to said board.

4. Said road board shall meet the Wednesday after the first Tuesday in each month, beginning with the month of June, eighteen hundred and ninety-two, and for actual attendance on said board each member shall receive the sum of two dollars and fifty cents per day.

5. The clerk of the county court shall perform the duties of clerk for said board, who shall receive for his services such sum as said board may deem right and proper.

6. Chapter three hundred and seventy-eight of the acts of eighteen hundred and eighty-nine and eighteen hun-

dred and ninety, approved February twenty-eighth, eighteen hundred and ninety, is hereby repealed.

7. This act shall be in force after July the first, eighteen hundred and ninety-two.

CHAP. 567.—An ACT to regulate hunting in the county of Orange.

Approved March 1, 1892

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful in the county of Orange to kill or capture or offer for sale hares or rabbits between the fifteenth day of January and the fifteenth day of October.

2. This act shall be in force from its passage.

CHAP. 568.—An ACT to incorporate the Ingram institute.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That S. T. A. Kent, E. K. Tune, J. C. Pierce, E. J. Dunn, P. H. Terry, H. S. Walton and John F. Davis, and such other persons as may hereafter be associated with them, be, and they are hereby, created and incorporated and made a body politic and corporate under the name and style of Ingram institute, for the purpose of keeping and conducting a boarding and day school of the above name, and of teaching and giving instruction to such persons, both male and female, as may be committed to their care as pupils of said school, in the various studies and courses of instruction in modern languages, English and French, and in ancient languages, music, mathematics, the fine arts, and all and any matters or things usually prescribed in schools and colleges of the highest grade, with the right and privilege to make and prescribe such rules and regulations as from time to time may seem proper to them, and to change and alter the same, to enable them to conduct daily and yearly exercises and successfully to govern and generally promote and carry out the objects and plan of said institute.

2. The said institute shall have perpetual succession and a common seal, which it may alter or amend at its pleasure, and may in its corporate name sue and be sued, implead and be impleaded, contract and be contracted with, purchase, hold, and convey property, real and personal,

and make regulations for the government of all persons and things and property under its authority for the management of its estate and the due and orderly conducting of its affairs: provided that said institute shall not at any time acquire and hold real or personal estate exceeding in value the sum of fifty thousand dollars.

3. The said institute may have public and other celebrations at such times and places and in such manner and form as to it may seem proper, and may prescribe the force and number and kind of studies to be pursued and comprehended by its pupils to entitle the latter to certificates of distinction or proficiency, or graduation, respectively, and may confer and bestow upon its pupils or graduates such diplomas or certificates, or other evidence of graduation, distinction, or proficiency, as said pupils may acquire in their various studies or employments, according to the regulations of said institute and the determination of its teachers, instructors or other officers, which said diplomas or certificates shall bear the seal of said institute and the signatures of its principal, instructors and trustees or directors.

4. The officers of said institute shall consist of a principal instructor and such assistants in the school or academic department in the domestic department as may be deemed requisite, to be chosen in such manner as said corporation may prescribe.

5. No license for the sale of malt or spirituous liquors within three miles of said institute shall be granted.

6. This act shall be in force from its passage.

CHAP. 569.—An ACT to amend the special road laws in the counties of Scott and Lee, and to provide for the working of roads in the counties of Scott, Lee, and Wise.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That each magisterial district of the counties of Scott, Lee, and Wise shall keep in good repair the roads within such districts.

2. There shall be a commissioner of roads within each district in each of said counties, who shall be appointed by the judge of the county court of each of the said counties of Scott, Lee, and Wise, and he and two other persons within the district, to be also appointed by the court at the same time, shall constitute a board styled the road board of said district.

3. The board in each district shall lay off the roads in the district into sections, not exceeding one mile and a

half when practicable, clearly designated, and as nearly equal as may be as to the work required to be done on each section, and the sections shall be numbered one, two, three, and so on.

4. For each section the board shall appoint a suitable person as overseer, and assign to each overseer so appointed a number of hands who are liable to work on roads, and the hands thus assigned shall be as nearly equal to the character of the work and its magnitude as may be, and regard to the convenience of overseers and hands shall be duly considered by the board.

5. All male persons in each road district who are able-bodied and between the age of sixteen and fifty-five years shall be compelled to work on the roads within such district, except ministers of the gospel regularly and actually in charge of a congregation.

6. Each member of the several road boards shall qualify within ten days after due notification of his appointment. He shall take an oath before some one authorized to administer an oath that he will perform his duties to the best of his ability and judgment. A certificate thereof shall be forwarded by him to the clerk of the county court, in whose office it shall be filed.

7. The road boards of the several districts shall proceed, within thirty days of the notification of their appointments, to lay off the road in their respective districts into sections, and appoint overseers and assign hands as hereinafter provided. The commissioner of each district shall keep a record thereof in a book kept by him for that purpose, which shall be open for inspection to any one interested. A report thereof, signed by the board, shall be returned to the county court as soon as practicable. The same shall be examined by the court, and if there be no objection on the face of the report, or valid objection made thereto, the same shall be noted on the records as confirmed, and it shall have the same effect as an order of court duly made and entered. The same shall be filed in the clerk's office and properly labeled. Each board shall have the right, from time to time, to modify the sections of roads within the district, assign hands liable to work, in conformity with the provisions of this act, and such changes, modifications, and assignments of hands shall be reported to court, and notice shall be given by the commissioner of the action of the board to the interested overseers.

8. The commissioner of roads in each district shall, as soon as practicable, make off a list of the different overseers, showing the hands assigned to each of them and the section of road to be kept in repair by each overseer. He will place these lists in the hands of a constable of the district, or the sheriff of the county, who will serve

without delay a copy on the overseer to whom it is directed, and make return to the commissioner of the execution, or the commissioner may serve on the overseer said list of hands.

9. The persons so assigned by the board of the district to work under overseers of sections of roads shall work three days in each year, and eight hour each day, when notified so to do by the overseer or any one authorized by him. And if the hands are warned to work by a road hand, he shall have credit on his time for the time he is actually employed in warning said hands.

10. Each overseer shall cause the roads under his charge to be kept clear and smooth, free from loose rocks, from gates unlawfully kept up and other unlawful obstructions, of the required width, well drained and otherwise in good condition and secure from falling of dead timber thereon. When necessary and practicable, a sufficient bridge shall be made across streams, and a foot-log or bench for the accommodation of foot passengers when necessary. And when the grade on any road exceeds five degrees, it shall be put on a new location or cut down, when practicable, to this degree, as may be deemed most expedient by the board of the district, who shall determine the same.

11. If the work, prescribed under section nine of this act, shall prove insufficient to put and keep the road under any overseer in the condition required by the preceding section, then the overseer of such section shall hire hands who, in his estimation, shall do the best work to put his road in the condition required by law.

12. The overseers of roads shall require the work by the hands under their charge to be done between the first of April and the first of October in each year; but if any obstruction or other injury occur on any road between the first of October and first of April, it shall be removed or repaired as soon as practicable.

13. Any overseer failing to have the section of road under his charge in the condition required by section ten of this act, on or after the first day of October in each year shall be liable to an indictment on information, and for his failure shall be subject to the fine hereinafter provided for, and for every thirty days after he is convicted on such indictment that such failure shall continue shall be a new offence, which will subject such overseer to another indictment and like punishment.

14. Any hand failing to attend in person or by an able-bodied substitute to work, when notified to do so by the overseer or his agent, under the foregoing section, shall be subject to a fine of eighty cents for each day which he should have worked and failed to do so.

15. Each overseer shall keep a record of the work done by each of his hands, and when such work was done, and

when any hand fails to do the work which he should have done, he shall report the fact and the number of days of his failure. He shall also keep a record of the work of any hand entitled to pay under the provisions of this act; also an account of the work of hired teams, and any other expenses incurred, and return such report to the commissioner of roads of his district, verified by affidavit, by the first day of May in each year next after the work is done. And such report shall be prima facie evidence of the matters therein stated.

16. When it appears to any commissioner from the reports filed with him by the overseers of roads in his district that there is a liability on any hand in his district, he shall make off an account in the name of the district board against such person, showing the amount of the claim, and place it in the hands of a constable for collection, who shall collect the same as other small claims, and pay over the same to the commissioner, who shall account therefor; and when judgment is rendered against any one on such claim, and the same remains unpaid for sixty days thereafter, the constable shall return the judgment to the clerk's office of the county court, and the same proceedings shall be taken thereon as if it were a judgment of the commonwealth rendered upon an indictment.

17. All fines collected for the delinquency of hands in any road district shall be paid to the treasurer of the county, who shall be charged with so much received for the benefit of the road district in whose favor the judgment was rendered.

18. When it becomes necessary for overseers on sections to have a team, wagon, plow, or other implements to work on the roads, the board of the district may authorize such overseer to hire the same on the best terms he can, so that for a driver and yoke of oxen and wagon he shall not pay more than two dollars per day, and for a team of horses or mules and wagon, with driver, he shall not pay more than two dollars and fifty cents a day, and for any hired hand, under section eleven, seventy-five cents per day of ten hours each. An account of such services shall be made by the person to whom it is due, verified on oath, and when approved by the board of the district the same shall be allowed as other expenses.

19. When it becomes necessary to take from lands stone, gravel, and such like material, to make or put a road in good condition, or timber to make or repair a bridge, or do other necessary work, if the board of the district cannot agree with the owner upon a stated price, the same shall be condemned by the board and such price fixed as they think just and proper. But no stone, gravel, or such like material shall be taken from any yard, garden, or orchard, or other place where undue damage would result to the

owner of the land. If the owner of the land is not satisfied with the price fixed by the board, he shall have the right to an appeal to the county court, whose judgment shall be final as to such damage. Every such appeal shall be taken within ten days, and the commissioner of the district shall be notified thereof, and he shall send the proceedings to court for further adjudication.

20. When it becomes necessary to drain a road the overseer shall have the right and privilege to dig a ditch through the adjacent lands for this purpose, but such ditch shall be made, when practicable, where the least injury will result to the owner of such lands.

21. When an alteration and change in location of road is deemed expedient by an overseer, or by the commissioner of roads, such commissioner, when desired to do so by an overseer, or when he deems it proper so to do, shall notify the board of the district. They shall view the proposed change, and if it is deemed proper by the board that the change in the road be made, and the owner of the land through which the proposed change to be made consents thereto, the change will be made by the board, who shall make a report of such change, with a plat and diagram, to the county court. If any damages result to the owner of the land through which it is made, the board shall assess the same, and a levy shall be made therefor. But if the owner of the land objects to such change being made, the board shall nevertheless make the change if deemed proper and expedient: provided that no special damage is done to a mill, house, yard, garden or orchard, and assess the damages to the owner thereof, who shall be entitled to an appeal to the county court as to the damages, and on his application for such an appeal to the commissioner of the board he shall transmit the papers to the court at its next term. The views of the board shall be set forth, with a report and diagram, and the same shall be heard by the county court, whose action shall be final, and costs awarded as may seem just and proper. And when any change is made the overseer shall be notified thereof.

22. Where a bridge or causeway is necessary between two districts, if the respective road boards cannot by agreement have such a bridge or causeway made, the court of the county, on its own motion, or on the motion of any interested party, have the bridge or causeway let to contract, and the expense incident thereto shall be borne by said districts in such proportions as to the court may seem just; or if the court deem the expense too onerous, it may be ordered to be laid on the county; and when a bridge across a stream within a district should be built or repaired, or other work on a road of an unusual character to be done, upon the application of the board of such

district the court may, if it sees that the building of such bridge or other work is too onerous on the district, order that a levy be laid on the county for such an amount as may seem to it just and fair to be expended on such bridge or work.

23. When it becomes necessary, in the opinion of the board of any district, that the overseer of any section within such district should have a sledge-hammer, drill, or other necessary implements to work his road, or to have powder and fuse for blasting, that the same be furnished on the order of the board by the commissioner of the road district, and the actual cost shall be paid by the district.

24. When a water-course runs across any road for the special benefit of any one, such person shall keep a good bridge across the same at least twelve feet in width, and with substantial railing on each side, when deemed necessary by the district board. The water-course shall be kept by the beneficiary thereof in such condition as not to injure the road or impede travel; if he fails to do so, he will be liable to be indicted, and on conviction shall be fined not less than five dollars; and, on a second conviction, such water-course may be viewed as a nuisance and abated by order of the county court, upon a rule or other due proceeding.

25. Persons appointed by the county court to constitute a road board, and overseers of sections appointed by the road board, shall be compelled to act, unless released by the county court for cause shown; but if any person is appointed on any road board, or as an overseer of a section, who would not be liable to work on roads, such person shall not be compelled to act. And any one who discharges his duties for two consecutive years may resign, if his road is in the condition required by this act, and shall not be compelled to serve again for a period of four years.

26. The county court may at any time for cause shown remove any member of a road board, and the board of any road district for good cause may at any time remove an overseer of such district.

27. When a vacancy occurs from any cause in a road board the same shall be filled by the county court in the same manner as an original appointment; and if from any cause there is no overseer of a section of road, the same shall be filled by appointment by the board of such district.

28. The commissioner of roads in the several districts shall convene the other members of the board whenever it becomes necessary to do anything by their joint action.

29. The commissioner of roads in the several districts shall inspect the roads thereof yearly, beginning on the first day of October, and make report thereof at the next

November term of the condition of each section, and if he finds any section not to be in the condition required by the tenth section of this act, he shall state the fact and the name of the overseer in default. The attorney for the commonwealth shall examine the several reports within thirty days after the return thereof, and when he finds any overseer in default he shall lay the matter before the grand jury or file the information hereinafter provided for. Such reports shall be prima facie evidence of the matters therein stated.

30. An account of the commissioner of roads and the treasurer shall be audited on the first, second, or third days of May in each year, before the clerk of the county court, who shall show how much money has been collected and disbursed in each year by the commissioner and treasurer. The account of each district shall be kept separately, and the money collected in each district shall be the property of such district, whether by taxation or fines imposed on delinquent lands.

31. The said clerk shall keep a book showing how the treasurer and commissioner of each road district stand with such district, and the clerk shall furnish to each commissioner, as soon as practicable, a statement of the account with his district.

32. The commissioner of each district shall make an estimate of the amount which will be required in his district to defray the road expenses for the coming year, and report the same to the supervisors yearly, at the time of laying the levy, and if the amount seems reasonable to the supervisors they shall lay a levy therefor on the district; but no levy for road purposes shall exceed twenty cents on one hundred dollars of the assessed value of lands and property.

33. If the treasurer should be found to be in arrears to any road district as shown by the account provided for by section thirty, he may be proceeded against on his bond in the name of the commonwealth for the benefit of the road district to which he may be indebted.

34. All debts which may be due from the road districts under the provisions of this act shall be paid by the treasurer on or before the first of June of the year after the levy is made for such expenses, upon the warrant of the district road board, attested by the commissioner of such district.

35. The commissioner of the road board of each district shall keep a book showing the amount levied in each year for the road expenses of his district, which shall be open for inspection by any one interested, and the road board shall not issue warrants for claims exceeding the amount which may have been levied for the road expenses in such district, and when any commissioner ceases to act his successor in office shall be entitled to the said book.

36. If there should be a deficit in any year to pay the expenses of that year, such deficit shall be included in the levy of the ensuing year, and the creditor or creditors whose debts have not been paid in the year in which they fall due shall be first paid out of the levy for the succeeding year, and in making off such claims the road board shall show this fact.

37. Each commissioner of the several road boards shall be entitled to receive a compensation for its services of one dollar per day: provided, that no one shall receive more than twenty dollars in any one year. The other members of the road boards shall each receive one dollar per day for services, not to exceed ten dollars in any one year; and each overseer of sections shall receive seventy-five cents for each day he superintends such hands as may be hired under this act: provided that he be not allowed more than five dollars in any one year.

38. New roads shall be established and made in the manner prescribed by the existing general road law, and the hands to make the same designated by the county court; but no hands shall be compelled to work on any new road more than five days in any year.

39. The commissioners of the revenue shall report the magisterial districts in which a tax-payer resides and in which real estate is situated, so that levies for road purposes under this act can be properly made against the district.

40. The clerk of the county court shall be allowed a just compensation for his services in auditing the accounts herein provided for, which he shall be paid out of the county levy.

41. Any officer or person appointed under this act failing to discharge any duty imposed by this act may be proceeded against by information filed showing the delinquency complained of. A summons shall be served on the delinquent, citing him to appear before the county court, on the first day of some term, to answer the charge. Such summons shall be served at least ten days before trial, and the same shall be tried by the said court, unless a jury shall be demanded by the defendant, and if found guilty he shall be fined not exceeding twenty dollars.

42. All laws in conflict with this act are hereby repealed.

43. This act shall be in force from its passage.

CHAP. 570—An ACT to provide for working and keeping in order the roads in Lunenburg county.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the several magisterial districts of Lunenburg county

shall be each a separate road district, and it shall be the duty of the county court, at its first term after the passage of this act, and annually thereafter at its September term, to appoint two discreet, intelligent persons, tax-payers, from each magisterial district in said county as members of the road board of said district, who shall hold their office for the term of one year from the first day of January following their appointment or until their successors are appointed and qualified: provided that the commissioners first appointed under this act shall begin immediately upon their appointment and qualification and end on the first day of January, eighteen hundred and ninety-four. Such persons shall qualify before the county court of said county by taking the oath of office prescribed by the general laws of the state of Virginia, and if by reason of death, resignation, removal, refusal to serve, or from any cause, a vacancy shall occur, the county court shall, at its next term succeeding such vacancy, appoint some suitable person to fill the unexpired term of the office so vacated: provided that no person holding the office of justice of the peace or overseer of roads shall be appointed a member of the road board, and it shall be the duty of the county court to designate one of the persons appointed under this section in each magisterial district to be known as the commissioner of roads.

2. The supervisor of the magisterial district and the two persons appointed under section one shall constitute a board of road commissioners for said district, the supervisor as aforesaid to be chairman of said board, and they shall, as soon as organized, appoint one of their number to act as clerk, who shall give bond to be approved by said board in the penalty of not less than two hundred dollars, conditioned for the faithful performance of his duties.

3. Said district boards shall meet within their respective districts as soon as practicable and redistrict the roads into sub-districts, and it shall be the duty of each board to appoint annually an overseer of roads for each sub-district, who shall hold his office until the first day of January succeeding his appointment, or until his successor is appointed and qualified.

4. There shall be regular meetings of the district boards on the first and fourth Mondays in October of each year, or as soon thereafter as possible. At the first meeting in October the several overseers of the roads shall make their reports and statements of accounts. The board shall proceed to avail and settle the same, and, if not completed in one day, may adjourn from time to time until all accounts are audited and settled. Said accounts, when allowed by said boards, shall be entered up in a book kept for that purpose by the clerk of said board, in the name of each party, amount due, and properly numbered, and for settle-

ment of same warrants shall be drawn (number, name, and amount as above mentioned plainly set out therein) upon the county treasurer, signed by said clerk and countersigned by the chairman of said board. At the second meeting in October, or at the meeting next following the first meeting in October, the said boards shall appoint the overseers of roads for the sub-districts for the ensuing year; shall also select a clerk, each of whom shall qualify as aforesaid. They shall also at this meeting make an estimate of the amount of tax necessary to be levied upon all property, real and personal, of the magisterial district assessed for the state revenue, to be made from the last returns of the commissioners of the revenue, to pay the expenses of keeping all the public roads within their district in good repair, and of such width and condition as may be required by law, not to exceed fifteen cents on the one hundred dollars' valuation of taxable property, which estimate they shall require the clerk of said board to lay before the county board of supervisors at their next meeting. The said district board may also at this meeting transact any unfinished business from former meetings.

5. Special meetings of the district board may be called by the chairman, or any two members of the board, for the transaction of any business deemed necessary and proper to be done by the board, and any vacancy in the office of clerk or overseers of any sub-district may be filled at any meeting of the board.

6. All male persons who reside or claim to reside in such sub-districts shall be enrolled by the overseer of that district, and compelled to work on some public road therein four days in each year, except persons under sixteen and over sixty years of age, and all ministers of the gospel, persons who reside in a town that keeps its streets in order, and any person who has lost a leg or arm, and such other persons as may be exempted on certificate of the county court. A list of persons so appointed to work on the public roads shall be made out in alphabetical order and filed by the overseer of roads with the clerk of the district board.

7. At such times as the overseer may judge most suitable, he shall notify all persons in his sub-district liable to road duty of the day and hour on which he requires them to work on the road. This notice shall be in writing, stating when, where, and at what hour they are required to meet, and what tools or implements they are required to carry to work the roads. Said notice shall be served on each person in said sub-districts at least two days before the day requiring them to work, by the said overseer or some one authorized to do so by said overseer, by delivering to each person so liable to work, in person, or by leaving a copy of said notice at the usual place of residence of said

person with some member of his family over the age of sixteen years, explaining the purport of said notice to such person; or, if there be no such member of his family there, then posting said notice on the front door of his residence or usual place of abode shall be sufficient notice. Every person so notified and liable to road duty shall, either in person or by an able-bodied substitute not less than sixteen years of age, attend at the hour and place indicated in said notice, with such teams, wagons, carts and other implements, if he have them, and work the roads on such days (not exceeding four) as the overseer may require, giving a full, honest day's work each day; and the overseer shall not accept any less than a full day's work.

8. For every day on which there may be a failure to work by any person liable to road duty, and notified as aforementioned, the sum of one dollar shall be paid as fine to the overseer of his road district by the person in default, if a person of full age, or if he be a minor, by his parents or guardian. The overseer shall be empowered to discharge any person on his road who shall be idle, disorderly or who refuses or fails to obey his orders or instructions, and shall charge him with loss of such day or days as in case he had not attended at all, and if the money be not paid within ten days from the day of discharge, it shall be recoverable by the overseer, with all cost, before a justice of the peace, and said justice shall issue a writ of fieri facias for the amount and all cost, against which no exemption shall be claimed or allowed, which, when collected, shall be paid to the said overseer or his successor. Any money received by an overseer under this section, after paying all cost, shall be applied to the working of roads within his district, and shall be accounted for by him to the district board.

9. Every overseer shall cause the roads under his charge to be kept clear and smooth and free from loose rock or stones, and all other obstructions, thirty feet wide, unless otherwise ordered by the road board, and the middle or bed of the road raised and sloped gradually each way from the middle to the sides, where ditches sufficient to contain and carry off all the water shall be made and kept open at all times. He shall also cause all dead timber liable to fall in the road to be removed. He shall keep at the fork or crossing of every public road a sign board, on which shall be plainly lettered, in large letters and figures, the distance to the most notable places or points to which each road leads, and across all streams, when necessary and practicable, a sufficient bench or log for the accommodation of foot passengers.

10. Any person or persons causing water to be conveyed into or across a public road, by ditches or otherwise, shall place and keep bridges over the same, in good order at all

times, at his, her or their expense, and, failing to do so, and on complaint of the road overseer, shall pay a fine of twenty dollars, recoverable before a justice of the peace as fines for failing to work on the road, and the money so recovered shall be appropriated by the overseer of roads as fines recovered for not working the roads when required to do so.

11. Each overseer shall receive for his services such per diem as may be fixed by the board, not to exceed two dollars per day for each day actually and necessarily employed in the discharge of his duties, but no compensation shall be allowed any overseer whose roads have not been inspected and approved by the road commission of the magisterial district in which his subdivision is located.

12. At the first meeting of the district board in the month of October, annually, the overseer shall render an account to the board of all fines imposed, collected and expended by him, and what persons are delinquent and for what sums; what persons are entitled to pay, and how much for labor, teams, implements and materials, and how much, in his opinion, it will require to keep the roads in his district in order the ensuing year and make such improvements as may appear advantageous. Said overseer shall have credit in his settlement for all receipts of constables for fines placed in his hands for collection and uncollected, and the same shall be charged against his successor, but the board may, at any time, credit such overseer with any fines that may appear insolvent, and which the overseer may make affidavit have not been collected by him: provided that if required by the board, the overseer, in any charge for services rendered by himself or his employees, hire of his own teams and implements, or materials furnished by himself, shall prove the same by affidavit of two disinterested witnesses, who shall be taxpayers of his road district, that the charges are reasonable and just. Any such overseer who shall fail to perform any duty required by this act, or refuse to serve after being appointed, shall be liable, on presentment by the grand jury, to a fine of not less than five dollars nor more than twenty dollars, and be removed from office by the district board; but any person after serving as overseer for two consecutive years may give up his office on producing a certificate to the board, signed by the road commissioner, stating that he has inspected the roads in his district and that they are in good and proper order, and shall not in two years thereafter be appointed overseer of roads without his consent.

13. If any overseer shall fail to account for any property or money, or other thing in hand belonging to or due said district, and if he fail to make such settlements as is

provided for in the preceding sections, or fail to account for any money or property placed in his hands, the board shall ascertain the value or amount of such property or money and deduct the same from his pay; and it shall be the duty of the district board to ascertain all these facts before any warrants are issued by said board for the pay of overseers of roads in their respective districts.

14. The overseer of any sub-district may take from any convenient land so much timber, stone, gravel, or earth as may be necessary to be used in the construction or repairs of such roads, or any bridge abutments or causeways therein, and may, for the purpose of properly draining the road, cause a ditch to be cut through any lands adjoining the same; provided any such timber or other article be not taken from, or any such ditch be not cut through, any lot in a town, yard, or garden without the consent of the owner; and it shall be unlawful for the owner of land through which such ditch is cut, or any other person, to fill up or obstruct in any way any such ditch, and on conviction of so doing shall be fined not less than twenty dollars nor more than fifty dollars, recoverable before any justice of the peace, as provided in section eight of this act against persons failing to work the roads when so required, and the fines shall be collected and applied as is directed in that section.

15. If any owner or legal representative of any such lands shall think himself injured thereby, a justice, upon application to him by said owner or legal representative, shall issue a warrant to three disinterested freeholders of the sub-district requiring them to view the said lands, timber, and so forth, so taken, and ascertain what is a fair and just compensation to such owner or legal representative for damages by reason of anything done under the preceding section. The said freeholders, after being first duly sworn, shall ascertain such compensation and report the same to the district board at the next meeting of the board thereafter, who shall allow and audit the same among claims against said district, to be paid as other claims are paid.

16. The commissioner of roads shall have under his general supervision all the roads within his road district, and shall, before the first meeting of the board in October of each year, inspect and carefully note the condition of all the roads in his district, the need of new ones, or alterations in existing ones, the condition of bridges and where new ones are needed, give the overseer of each sub-district a certificate of approval of the work done upon their roads, provided their condition justify the same; all of which matters, with such suggestions as to the future work he may consider advisable, he shall embody in a report to be made to the board at its second or

last meeting in October, or whenever the last fall meeting is held. It shall be his duty to pass over and carefully inspect all the roads in his district at least three times every year, and shall advise and suggest to the overseers of roads any improvements in the mode and manner of working them, and shall carefully note any violation of duty or inefficiency of any road overseer in his district. He shall receive for his services two dollars per day for the time actually employed, but no commissioner of roads in any district shall receive more than sixteen dollars for any one year's inspection. Any commissioner of roads who shall fail to perform any duty required of him by this act shall be liable, on presentment by the grand jury, to a fine of not less than ten nor more than twenty dollars, and may be removed from office by the county court, unless excused by the county court for good cause.

17. The members of the board of road commissioners for each magisterial district shall each receive for their services two dollars per day for time actually employed, provided that the total compensation of each shall not exceed twelve dollars for any one year; the road commissioner, however, to receive in addition to the above his compensation as provided in section sixteen. The clerk of the board shall receive reasonable additional compensation for extra services rendered, to be fixed by the district board, subject to the approval of the county board of supervisors. The allowance to the members of the board of road commissioners and the clerk's extra compensation shall be audited by the said district board among the claims against said district.

18. The clerk of the board of road commissioners in each magisterial district shall forward, as soon as approved by the board, any and all bonds of the overseer of sub-districts to the clerk of the county board of supervisors. He shall, before the first Monday in December of each year, make out a statement in writing of all claims against his said district, audited by the said board, the amount of each, and to whom due; what amount remains collected and unexpended in the hands of the overseer, and what amount of fines remains uncollected; also the amount of road tax required by said board to be levied upon real and personal property within his district for the working and keeping in order the public roads of said district. This statement shall be laid before the board of supervisors at their next regular meeting or any adjourned meeting by the clerk of said board of supervisors. The clerk of the district board shall receive no pay for extra services until the above statement is made as directed and delivered to the clerk of the board of supervisors.

19. The county board of supervisors, at any regular or adjourned meeting after the first Monday in December in

each year, before the annual levy is closed, as they may deem expedient, examine all statements of the district boards laid before them, having power and authority to correct any and all errors that may be found therein, and shall levy such road tax for the ensuing year upon each magisterial district as the board of said district may require: provided said tax does not exceed fifteen cents on the one hundred dollars' valuation of taxable property, real and personal, in said district.

20. The clerk of the county board of supervisors shall carefully file away and keep with other records of his office all bonds of road commissioners and road overseers, and all other papers relating to public roads within the magisterial districts of his county that may be delivered to him by the district boards.

21. The price to be paid for labor, teams, implements, and so forth, to work and keep the roads in order shall be fixed by the board of road commissioners in each magisterial district, and may be changed from time to time as circumstances may require, and it shall be the duty of the clerk of each magisterial district to furnish each and all the overseers of roads in his district with a copy of prices as often as they are changed by the said boards.

22. The clerk of the board of supervisors shall, on or before the first day of February in each year, deliver to the commissioner of the revenue for said county a certified statement of the amount of road tax laid by the said board of supervisors upon its magisterial district, and it shall be the duty of the said commissioner of the revenue, when making his assessment of other taxes, to extend upon his books opposite the name of each person assessed with real or personal property therein, in a separate and distinct column, the amount of road tax for which each is liable, keeping each district separate; and for this service he shall receive a compensation not exceeding two per centum of the road tax assessed and collected, payable out of the county treasury.

23. The county treasurer of said county shall enter said road tax, assessed as provided in the preceding sections of this act, upon his tax bills, in a separate column, against all persons liable therefor, and collect the same in such manner as is provided by law for the collection of other taxes. He shall also keep a road tax account with each magisterial district, and when said taxes are collected he shall pay all road warrants presented to him, signed by the clerk of the district board and countersigned by the chairman of said board, crediting each district with the amount of road tax collected therein, and charging each district with all road warrants issued thereon when paid by him. He shall also settle his accounts relating to road tax annually with the district boards at such time as the

said boards may order; and for this service he shall receive the same rates of per centum upon road tax as is now allowed by law for the collection of other taxes.

24. Every petition for a new road must first be presented to the commissioner of roads of the district in which the road is proposed to be opened, who shall endorse thereon his approval or disapproval of the same, and his reasons therefor, which petition, with the said commissioner's endorsement thereon, shall be laid before the county court, to be proceeded in as is now provided in the general road law of this state; all damages allowed and all other costs to be paid out of the county treasury.

25. Where public roads are the dividing lines between two magisterial districts, the commissioners of roads in each adjoining district shall apportion said roads between the said adjoining districts as to them may seem equitable and right.

26. All matters not specially provided for by this act shall be as provided in the general road law of this state, when not in conflict with this act.

27. When a public road or any part of the same is so worn that a new road-bed becomes necessary, the road commissioner of the said district shall ascertain and assess the damages for the same to the land owner, and direct the overseer of the road to open the same; and provided said land owner should not be satisfied with said damages, he may appeal to the county court within thirty days, by first giving bond with security approved before the court, the bond to be approved by the court for all cost and damages attending said appeal.

28. All acts and parts of acts in conflict with this act are hereby repealed.

29. This act shall be in force from its passage.

CHAP. 571.—An ACT repealing the act making Neabeco and Powell's creeks, in Prince William county, a lawful fence.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That the portion of section two thousand and thirty-nine of the code of Virginia making Neabeco and Powell's creeks, in Prince William county, a lawful fence from points on each creek, respectively, one hundred yards east of the public road, known as the old telegraph road, and extending therefrom in an easterly direction to the Potomac river, be repealed.

2. This act shall be in force within sixty days from its passage.

CHAP. 572.—An ACT to amend and re-enact section 3796 of the code of Virginia, in reference to the punishment of the offence of cruelty to animals.

Approved March 1, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-seven hundred and ninety-six of the code of Virginia be amended and re-enacted so as to read as follows: -

§ 3796. Cruelty to animals; how punished.—A person who overrides, overloads, tortures, or cruelly beats, or unjustifiably injures, maims, mutilates, or kills any animal, whether belonging to himself or another, or deprives any animal of necessary sustenance, food or drink, or causes, procures, or permits any animal to be overridden, overloaded, tortured, cruelly beaten or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food and drink, or who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or who, having in custody a maimed, diseased, disabled or infirm animal and abandons such animal, or leaves it to die in a public street, road or public place, or who shall carry or caused to be carried in or upon any vessel or vehicle, or otherwise carry any animal in a cruel or inhuman manner, or so as to produce torture, shall be fined not more than fifty dollars for each offence. Be it further enacted, that the provisions of this act may be enforced by any justice of the peace in the cities, towns or counties wherein the offence is committed or the offender may be found; and every such offender shall have the right of appeal to the corporation court in cities and county court in counties.

2. This act shall be in force from its passage.

CHAP. 573.—An ACT to provide for opening and keeping in repair the public roads of Pulaski county.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That for the purpose of opening, repairing, locating, and closing the roads of Pulaski county, and for all supervision and control of the same, there shall be, and is hereby, created a board of road commissions, to be composed of three members from each magisterial district, one of whom shall be the supervisor of each of said respective districts, and by virtue thereof chairman of the district board, the

others to be freeholders of the district for which they serve. At the election for county officers in eighteen hundred and ninety-three there shall be elected one road commissioner from each magisterial district, whose term of office shall commence the first of July following, and who shall serve for the term of four years and until his successor is elected and qualified; and at the regular election for county officers in eighteen hundred and ninety-seven, and every fourth year thereafter, there shall be one road commissioner elected from each magisterial district to serve for a like term of four years. On the qualification of the supervisor and road commissioner for each magisterial district in eighteen hundred and ninety-three each district board shall appoint a third member, who shall be a freeholder of the district for which appointed, who shall be also clerk of said district board. He shall serve for a term of three years, and his successor shall be chosen, to enter upon his duties the first of July, eighteen hundred and ninety-six, and every third year thereafter.

2. That the commissioners hereby provided for shall receive as compensation two dollars for each day actually engaged in the duties devolving upon them under the provisions of this act.

3. That the commissions hereby created shall have full power to open, work, change or discontinue roads in the district in which they reside, and shall have control also of the road funds, and the appointment and removal of county engineer, and the fixing of his salary. Each and every commissioner under this act shall execute a good and sufficient bond, in the penalty equal to the total road fund that can be collected in any one year, conditioned on the faithful accounting of all moneys that shall come into the county road fund and the performance of the duties imposed under this act.

4. That the road commissions of the county shall appoint annually, in the month of July, a competent engineer, whose duty it shall be to survey and locate all new roads, change or discontinue old roads, furnish all estimates of work to be done, and review and receive work done in company with the commission, and give them any information needed in connection with their work. His compensation, as fixed by the commissions, shall be paid out of the county fund, and he may be removed by a majority vote of the members of the commissions.

5. That applications for a new road or the changing or discontinuing of an existing road must be upon the written petition of not less than five freeholders of the district in which such road now is or is asked to be located, and who are interested in the road upon which petition is based. The application so signed, stating clearly and specifically the change, discontinuance, or route of new road from

point to point, shall be forwarded to the chairman of the district road commission, who shall summon the other two members and the members of the commission of any other district affected thereby, and also the county engineer, and together they shall view said route for new road, change, or discontinuance, and cause the said change, new road, or discontinuance to be made in accordance with said application, or report adversely, according to their judgment. In case of an adverse report, the petitioners shall pay into the county road fund all costs accruing through said petition and view, and it is hereby made a precedent to the consideration of any application that the petitioners execute a bond to the road commissions of Pulaski county conditioned on the payment of such costs, said bond to be in the penalty of one hundred dollars.

6. That when a new road is to be made, the commission for the districts in which such road shall be, shall, with the county engineer, locate the same so as to approach as near as possible a three-degree road if compatible with the best interests of the county; but no road shall exceed eight degrees for a distance exceeding fifty yards.

7. That the commission or commissions acting shall assess the damage to land owners and report their action to the county court, if deemed advisable to grant the said application, and the judge shall then cause said report to be recorded and immediate notice given to the land-holders so damaged, and the land-holders so damaged shall have the right of appeal to the county court for increased damages, if the sum reported by the commission or commissions is deemed by them, or any of them, insufficient; or, in lieu of appealing to the court, they may elect to refer the cause to the same commission supplemented by an additional commission, which, however, must be from an adjoining district, and the cause having been presented and examined, the decision shall be final; provided, however, if the land-owners elect to submit their cause to this court of commissions they must give notice to the chairman of the district in which they reside within fifteen days after they receive said notice of damages. This shall apply as well to appeal to the county court and trial by jury. If hearing is to be by a court of commissions, the chairman of the board of supervisors shall summon the members of the commissions, and shall preside. He shall require the attendance of the clerk of the board of supervisors or a justice of the peace, who shall administer oaths to witnesses, hear evidence, and record the action and decision of this joint commission as to damages allowed. These findings shall be reported to the county court for recordation, and if the commission shall have decided in favor of building the road, the damages shall be paid.

8. If the appeal is to the county court and trial by a jury, the case shall be docketed and the cause determined at the next term of the county court, and shall also be final, except to appeal on points of law. If, within fifteen days after notice has been given to the land-holders of damages allowed by original commissioner viewing any proposed route, no notice of appeal is filed, then such land-holders shall be deprived of all right of appeal. In all questions of damages the question of compensating advantages to land-holders shall be fully considered before awarding damages for the opening or extending of any road.

9. That all notices and summons may be served by the sheriff or his deputies, or by the chairman of the commission, and the compensation shall be the same as is allowed for similar service by officers.

10. That all new roads shall be made at county expense.

11. That a chain-gang shall be organized and prisoners worked upon the roads at such points as can be made profitable. Where prisoners are worked under this section they may be kept from jail for a period not exceeding five days at a time, under proper guard, and may be lodged at nights in tents or wagons; but in all cases prisoners must be returned to jail by four post-meridian Saturdays. Chain-gangs shall perform ten hours of labor in summer and eight hours in winter to constitute a day's work.

12. That all officers created by this law shall be subject to indictment for neglect of their duties, and may be fined as are road overseers under existing laws.

13. That in order that the provisions of this act shall become operative this year, it shall be the duty of the judge of the county court of Pulaski county, at the June term of the said court in the year eighteen hundred and ninety-two, to appoint two freeholders from each magisterial district as road commissioners; one of whom for each district he shall designate as clerk, which two freeholders, with the supervisor of said districts, shall form the road commission for each district. The commissions so formed shall constitute the road commissions of Pulaski county, and shall have all the powers and be subject to all provisions of this act. They shall receive the compensation as herein provided for road commissioners, shall appoint a county engineer to serve during their term of office, unless sooner removed as herein provided for the removal of county engineer, and shall fix his compensation. The boards so constituted under this section shall serve until succeeded by the boards as elected, appointed, and qualified according to the provisions of section one of this act.

14. The said road commission shall, at the July term of the county court in eighteen hundred and ninety-two, and

annually thereafter, as to such districts and sections where contracts will expire, severally let to contract to the lowest suitable bidder the work of keeping in repair the roads and bridges in their districts, notices of which letting shall be posted for ten days at each post-office and elsewhere in the district, the said letting to be as whole districts or in sections, and for a term of not less than one nor more than five years, at the discretion of the commission of the district in which such road or section lies, said term to commence the first day of August thereafter: provided that any and all bids may be rejected. They shall require all bids to be in writing and signed by the bidder, and shall deliver the same under seal to the board of supervisors for their examination and approval or rejection at their first meeting thereafter. Each contractor shall be required to execute a bond to the county, with good security, in penalty at least double the amount of his bid for the faithful performance of his contract, and a recovery may be had for any breach of said contract in the name of the county for the benefit of the road fund, in the county court, by motion, after ten days' notice to the contractor and his securities; and in case of a recovery on said motion, the same costs shall be taxed in said judgment as if the motion was in favor of the commonwealth, and any such judgment may be deducted by said board of supervisors from the amount due said contractor on his contract. The attorney for the commonwealth shall institute and prosecute such motion. The said contracts and bonds shall be filed with the clerk of the board of supervisors: provided that the board of supervisors shall appoint surveyors for and provide for the working of such roads as are not contracted for under this act under the general road laws of the state, and in such cases only may compulsory labor be required.

15. That it shall be the duty of each road commission, immediately after entering upon its duties of office, to divide the roads and bridges of their several districts into sections convenient for letting to contract under this act, a record of which divisions shall be filed with the clerk of the board of supervisors. Said commissions shall give personal supervision to all the roads and bridges within their respective districts. They shall see that the contractors are faithfully performing their contracts, and for any failure to carry it out the commission of the district shall at once institute, through the commonwealth's attorney, proceedings for the recovery of damages for the breach of said contract; and it shall be the duty of each commission to cause the roads in its district to be kept cleared, smoothed of rocks and obstructions, of necessary width, well drained, and otherwise in good order, and secure from the falling of dead timber therein; at the fork or crossing

of every road shall keep erected sign-boards, on which shall be stated in plain letters the most noted places to which each road leads, and across each stream, when it is necessary and practicable, a sufficient bridge, bench, or log for the accommodation of foot passengers; and for every breach of duty under any of the sections of this act said commission shall be guilty of misdemeanor.

16. It shall be the duty of each road commission to furnish necessary tools for the use of surveyors working roads not let to contract under this act, buying such as are necessary only upon the order of the chairman. They shall furnish vouchers for all expenditures, whether for tools, materials, pay to contractors, engineer and their own compensation, quarterly, which, being approved by the board of supervisors, shall be paid from the road funds.

17. That surveyors serving under this act in keeping up and repairing roads or sections not let to contract shall receive two dollars per mile per annum for keeping in repair such roads; but no surveyor shall receive any compensation until he shall have been shown to have fully complied with the general law thereto applying.

18. That for the purposes of this act the board of supervisors shall annually levy a capitation tax of fifty cents on every male citizen over the age of twenty-one years, and a tax not to exceed twenty cents on the one hundred dollars on the assessed value of the real estate and personal property in the county of Pulaski, for the benefit of the road fund.

19. That the commissioners hereby created shall hold a meeting annually, during the month of July, at the courthouse, for the purpose of electing an engineer, the letting of roads and the transaction of such business as may properly come before them.

20. All acts and parts of acts inconsistent with this act are hereby repealed.

21. This act shall be in force from its passage.

CHAP. 574.—An ACT for the relief of Henry A. Slaven.

In force March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That a fine of two hundred dollars assessed against Henry A. Slaven by the county court of Highland, at the — term, eighteen hundred and —, thereof, be remitted to the extent of one hundred dollars thereof; and in the event said fine has been paid by said Slaven, the auditor of public accounts is hereby directed to draw his warrant on the treasury in favor of said Slaven for said sum of one hundred dollars.

2. This act shall be in force from its passage.

CHAP. 575.—An ACT for the relief of William A. Mountcastle, of Richmond city.

In force March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That William A. Mountcastle, of Richmond city, be, and he is hereby, relieved and released from a judgment for five hundred dollars obtained by the commonwealth of Virginia against him at the July term of the hustings court of Richmond city for the year eighteen hundred and eighty-five, upon a forfeited recognizance entered into by him for George A. Mountcastle, a minor: provided that before the relief granted by this act shall be effectual the said William A. Mountcastle, or some one for him, shall pay all the costs attending the recovery of the aforesaid judgment.

2. This act shall be in force from its passage.

CHAP. 576.—An ACT to provide for working the roads in Northampton county.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the judge of the county court of Northampton county, at the April term, eighteen hundred and ninety-two, and annually thereafter at the March term of said court, to appoint one superintendent of roads for each magisterial district in the said county, whose application for such appointment shall be first endorsed by at least fifty voters of the district for which he is so appointed, and whose term of office shall be one year beginning on the first day of April following his appointment, except that the term of office for the first appointments made under this act shall begin at the date of their qualification as hereinafter provided, and end on thirty-first day of March eighteen hundred and ninety-three.

2. It shall be the duty of such superintendents to make, repair and drain the roads and to make or repair all bridges of their respective districts for which they are appointed. They shall have full power to drain such roads through the lands of any owner adjoining or proximate, and all the provisions of sections nine hundred and eighty-five and nine hundred and eighty-six of the code of Virginia shall apply to said superintendents in like manner as to surveyors of the highway. It shall be the duty of said superintendents themselves to work upon such roads

and to employ and superintend all laborers needed by them for such work, but the amount which shall be expended in any district shall be first determined by the board of supervisors of said county, and the said superintendents shall not contract for more labor than shall be so provided for the payment of. It shall be the duty of such superintendents to have charge of and provide for and to take proper care of all horses, mules or oxen, and all implements, tools and machines which may be placed in their charge as hereinafter provided, and to purchase all necessary provender for such horses, mules or oxen, and at the end of his term of office, or whenever directed so to do by the board of supervisors, to deliver the same to his successor in office, or to such other person as the said board shall direct and file a receipt therefor with the said board of supervisors. The said superintendents shall be authorized to hire horses or mules by the day at a rate not to exceed one dollar per day while actually engaged at work if they shall need such extra team. They shall be authorized and it shall be their duty to employ all necessary labor by the month or by the day, or both, as the board of supervisors shall deem best, and such day laborers shall be paid at a rate not to exceed ten cents per hour for the time actually engaged in work, for which a receipt shall be taken, duly witnessed; and to meet the expenses of such day laborers and hire of horses or mules the said board of supervisors may, if they deem proper, place in the hands of such superintendents from time to time a sum not to exceed fifty dollars per month. All other expenses under this act shall be paid by warrant or order drawn by such superintendent upon the treasurer of said county, which shall be approved by the board of supervisors of said county before payment.

3. It shall be the duty of such superintendents on the first day of April, July, October, and January, during their continuance in office, to file in the clerk's office of said county a report to the board of supervisors of said county of their transactions during the three months, or so much thereof as they may have been in office, ending at the date of filing such report. The said report shall be under oath and shall state the days actually engaged in work upon the said road, and the number of hours of each day while so engaged, the number of laborers employed by the month, and the number employed by the day, with the vouchers for payments made by him to such day laborers, and stating an account between himself and the money placed in his hands for such day laborers, and showing all other expenses of labor and team employed by him. For failure to make such report as herein required, such superintendent so in default shall be deemed to have forfeited his compensation for the three months for which he

shall so fail to make report, unless he shall be excused by the said board of supervisors for reasons spread upon their records, and no compensation shall be allowed for such quarter until such report is made.

4. It shall be the duty of the board of supervisors of said county to meet at the court-house of said county on the first day of April, eighteen hundred and ninety-two, and annually thereafter on the second Monday in January and make an estimate of all expenses under this act for the ensuing year. They shall determine what compensation shall be paid to the said superintendents, and for what time, and may fix such compensation at one rate for one month, and at a different rate for a different month, so that such compensation shall not at any time exceed the sum of fifty dollars per month; or, if the said board shall deem it advisable that such compensation shall be by the day, not to exceed the sum of two dollars and fifty cents per day for each day of ten hours of actual work upon said roads, and any superintendent appointed under this act shall be paid the amount so fixed by the said board of supervisors, but during the time the said board shall order the suspension of operations under this act, the said superintendents shall receive no compensation. In no case shall the said board authorize the expenditure of more than three thousand dollars per year under this act.

5. It shall be the duty of the board of supervisors of said county to purchase one pair of heavy mules or horses or oxen, as they may deem best, for road work in each magisterial district of said county, which shall be allotted by the said board to the said districts and received by the said road superintendents from the said board. The said board shall also purchase all necessary plows, shovels, hoes, axes, and one cheap road scraper (not to exceed in cost for such scraper fifteen dollars each) for each magisterial district which shall also be allotted to and received by said superintendents. The said board shall also be authorized to purchase one heavy road machine and road plow, to be worked by six mules or horses, and they shall have power to place in the hands of any one of the said superintendents, for a limited time not to exceed two months, all six of the mules, horses or oxen, purchased by them as aforesaid, to be used by the superintendent, who shall so receive the same with the said heavy road machine and road plow in his said road district.

6. It shall be the duty of the board of supervisors of said county, at their annual meeting in July of each year, as provided by law, to levy a tax of not exceeding fifteen cents on every one hundred dollars in value of property, real, personal, or mixed, assessed for purposes of state taxation, to be collected in the same manner as state and county taxes, which shall be applied to expenses under

this act. All property in the said county liable to taxation for state purposes shall be liable to taxation under this act.

7. It shall be the duty of each and every superintendent appointed under this act to appear before the clerk of the county court of said county within ten days from the date of his appointment as herein provided and qualify as such superintendent by taking and subscribing an oath for the faithful discharge of his duties under this act, and entering into a bond in the penalty of five hundred dollars, with good and sufficient security, and conditioned for the faithful discharge of his duties as such superintendent.

8. This act shall not be construed to repeal chapter forty-three of the code of Virginia, as is now applicable to said county, but all the provisions of said chapter shall continue in force in said county, except that the levy for road taxes in said county shall be as herein provided.

9. The county court of said county shall be authorized at any time to fill a vacancy existing in the said office of superintendent of roads upon the application of the person so to be appointed, endorsed by fifty voters of his district as hereinbefore provided, but no superintendent shall have any powers or authority until he has duly qualified as hereinbefore provided. The said board of supervisors shall be authorized to suspend all work under this act between the first day of October and the first day of April following. And it is hereby further enacted, that an election be held in the said county of Northampton on the nineteenth day of March, eighteen hundred and ninety-two, to determine whether or not three thousand dollars of the Glebe fund of said county shall be expended under this act in making and repairing the roads of the said county; and it shall be the duty of the sheriff of the said county to post notices of such election at all the election precincts of said county at least fifteen days before the day of such election. The ballots to be used in said election shall be as follows: "For expending three thousand dollars of the Glebe fund in improving the roads of the county under the act of —, eighteen hundred and ninety-two," and "Against expending three thousand dollars of the Glebe fund in improving the roads of the county under the act of —, eighteen hundred and ninety-two." The manner of receiving and canvassing the ballots and making returns and abstracts thereof shall conform in all respects to the general election law, except that the certificates of the judges of election shall be as follows: We hereby certify that at the election held on the nineteenth day of March, eighteen hundred and ninety-two, — votes were cast at — precinct for expending three thousand dollars of the Glebe fund in the improvement of the roads, and that — votes were cast against expending said sum for said purpose.

10. This act shall be in force from its passage.

CHAP. 577.—An ACT to extend the jurisdiction of the police authorities of the city of Richmond.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That the jurisdiction and authority of the chief of police of the city of Richmond and other officers and members of said city police, and of the justices and other judicial officers of said city connected with the administration of its police, be, and the same is hereby, extended to and over the grounds and the property of the Virginia state agricultural and mechanical society, situated on the extension of Broad street of said city, and to and over the highways and grounds in Henrico county adjacent thereto, not to exceed five hundred yards in any direction; and on the request or with the assent of said Virginia state agricultural and mechanical society, its officers or agents, the said police and other authorities of said city shall have and exercise the full and like powers in all respects in and over said extended district as they do now or may hereafter have and exercise within the corporate limits of said city.

2. This act shall be in force from its passage.

CHAP. 578.—An ACT regulating the transportation of bodies dead of contagious or infectious diseases.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That no railroad corporation or other common carrier or person shall convey or cause to be conveyed through or from any city, town, or place in this state—

First. The body of any person who died of small-pox, Asiatic cholera, or yellow fever.

Second. The body of any person who died of measles, diphtheria, scarlet fever, or typhoid fever, or any other contagious or infectious or communicable disease, before offered for transportation, must be wrapped in a sheet thoroughly saturated with a strong solution of bi-chloride of mercury, in the proportion of one ounce of bi-chloride of mercury to one gallon of water, and inclosed in an air-tight coffin or casket hermetically sealed, which shall be enclosed in a tight wooden box of material not less than one inch in thickness. Before any dead body can be received for transportation there shall be presented to the transportation agent a certificate from an undertaker stating that the aforesaid regulations have been complied with

by him; also, a certificate from the local health official, or, where no health official exists, a certificate from a practicing physician shall be presented, stating the name, the place of death, and the disease which caused the death of the deceased. Said certificate shall be furnished in duplicate; one copy shall be posted upon the box containing the dead body. Said certificate shall be furnished in blank by the transportation company where no local board of health exists.

2. This act shall be in force from its passage.

CHAP. 579.—An ACT to incorporate the Virginia central railroad and navigation company.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That Thomas F. Barrett, Julian H. Miller, John S. Johnson, William W. Fleming, and Martin H. Bunn, their associates, successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Virginia central railroad and navigation company, for the purpose of constructing, equipping and operating railroads and transporting freight and passengers on the Chesapeake bay and its tributaries, and as such are authorized and empowered to locate, to construct, equip and operate a railroad, commencing at the town of Hampton, or near there at deep water, and running thence to West Point, and from thence to Orange courthouse and Harrisonburg, through the counties of Elizabeth City, York, James City, New Kent, King William, Hanover, Caroline, Louisa, Spotsylvania, Orange, Culpeper, Madison, Greene, and Rockingham, or any of them, as the said company may determine, after they have surveyed the route in accordance with the best interests of the company, and as such authorized to locate, operate and equip a line of water transportation by means of steamboats, sail vessels, ferry boats, and such other floats as the said company may deem advisable.

2. The said company shall have perpetual succession, have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts, whether at law or in equity, and they may make and have a common seal, alter and renew the same at pleasure, and to have possession and enjoy all the rights and privileges of a corporation or a body politic in the law, and necessary for the purpose of this act.

3. The capital stock of this company shall not be less than five thousand (\$5,000) dollars, and may from time to

time increase the same to any amount not exceeding five million (\$5,000,000) dollars by issuing certificates of shares under such regulations as the board of directors shall decide; the par value of which shall not be less than one hundred (\$100) dollars each; and the subscriptions to the capital stock of said company may be made in money, labor, material, bonds, stocks, real estate or personal property at such valuation as may be agreed upon between the directors and the subscribers, and such subscriptions may be made payable in such manner and amounts and at such times as may be agreed upon with the subscribers, and whenever fifty shares shall have been subscribed to, the subscribers, under the direction of any five of the incorporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a president and board of directors and by electing or providing for the appointment of such other officers as may be necessary for the control and management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this state.

4. It shall be lawful for said company to borrow money and issue and sell bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its work; and may secure the payment of said bonds by mortgages or deeds of trusts upon all or any of its property, real, personal, and mixed, its contracts and privileges, and its chartered rights and franchises, including its franchises to a corporation; and it may, as the business of the company shall require, sell, lease, convey and encumber the same.

5. The said company shall have power to lease or purchase boats, barges, and vessels, either steam or sail; and any mining, manufacturing or other corporation may subscribe to, guarantee, or hold the stock or bonds of said company.

6. The said company is authorized and empowered to locate, construct, equip, and operate any lateral or branch roads or tramways, not exceeding twenty miles in length, which a majority of its stockholders may determine to construct, maintain, equip, and operate, and by such route as may be determined by its board of directors; and the said company may connect or unite the said route with that of any other company or companies other than a competing line, or consolidate and merge its stock, property, and franchises with those of any other company or companies operating or authorized to operate a connecting line other than a competing line upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating,

and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger, or consolidation: provided that a copy of every contract of consolidation and merger be filed in the office of the board of public works. The company may acquire by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroad, and the necessary stations, landing and depots for its operation.

7. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name, and the president and board of directors of said company may enact such by-laws, rules and regulations for the management of the affairs of said company as they may deem proper and expedient.

8. The board of directors shall be stockholders of said company, and shall consist of such number as the stockholders may determine upon, and shall be elected at the stockholders' meeting to be held on such day as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election and until their successors are elected and accept the duties of the office, and they shall appoint one of their number president. And in case of the death, resignation or incapacity of any member of the board of directors during his term of office, the said board shall elect his successor for the unexpired term.

9. All taxes and dues to the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons. And this charter may be altered or amended upon the application of the board of directors of said company.

10. This act shall be in force from its passage.

CHAP. 580.—An ACT to amend an act to provide for working and keeping the public roads in order in Prince Edward county, approved March 3, 1879.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That the several magisterial districts of Prince Edward county shall be each a separate road district, and it shall be the duty of the county court at its first term after the passage of this act, and annually thereafter at its November term, to appoint two discreet persons from each magisterial district as members of the road board of said district, who shall hold their office for the term of one year

from the first day of January following their appointment, or until their successors are appointed and qualified. Such persons shall qualify by taking the oath of office prescribed by the general laws, and if by reason of death, resignation, removal or refusal to serve, a vacancy shall occur, the county court shall at its next term succeeding such vacancy appoint some suitable person to fill the unexpired term so vacated: provided that no person holding either of the offices of supervisor, justice of the peace or overseer of the roads shall be appointed.

2. The supervisor of the magisterial district and the two persons appointed under section first shall constitute a board of road commissioners for said district—the supervisor as aforesaid to be chairman of said board. They shall, as soon as organized, appoint one of their number to act as clerk, who shall give bond, to be approved by said district board in the penalty of not less than two hundred dollars, conditioned for the faithful performance of his duties; and shall also appoint one of their number to be known as road inspector.

3. Said district boards shall meet, each within their respective districts, as soon as practicable, and, if necessary, redistrict the roads into sub-districts, or adopt the same as now divided. And it shall be the duty of each board to appoint annually an overseer of the roads for each sub-district, who shall hold his office until the first day of January succeeding his appointment, or until his successor is appointed and qualified.

4. There shall be regular meetings of the district board on the first Mondays in May and October of each year. At the meeting on the first Monday in October the several overseers of roads shall make their reports and statements of accounts. The board shall proceed to audit and settle the same, and, if not completed in one day, may adjourn from time to time until all accounts are audited. Said accounts, when allowed by said district board, shall be entered up in a book kept for that purpose by the clerk of said board in the name of each party, amount due, and properly numbered; and for settlement of same warrants shall be drawn, number, name, and amount as above mentioned plainly set out therein, upon the county treasurer, signed by said clerk and countersigned by chairman of said board. At the meeting on the first Monday in October the said board shall appoint the overseers of roads for the sub-districts within their district for the ensuing year; shall also select a clerk, each of whom shall qualify as aforesaid. They shall also, at their meeting in May, make an estimate of the amount of tax necessary to be levied upon all property, real and personal, of the magisterial district assessed for the state revenue, to be made from the last returns of the commissioners of the revenue, to

pay the expenses of keeping all the public roads within their district in good repair, and of such width and condition as may be required by law, not to exceed fifteen cents on the one hundred dollars' valuation of taxable property, which estimate they shall require the clerk of said board to lay before the county board of supervisors on the first meeting in May. The said district board may also, at their meeting on the first Monday in May, transact any unfinished business from former boards or meetings, and such other business relating to public roads within their district as they may deem expedient, not inconsistent with this act.

5. Special meetings of the district board may be called by the chairman, upon the application of any two of its members, for the transaction of any business necessary and proper to be done by the board; and any vacancy in the office of clerk or overseer of any sub-district may be filled at any meeting of the board.

6. All male persons in sub-districts shall be enrolled by the overseer of that district, and compelled to work on some public road therein two days in each year, with the following exceptions, namely: persons under sixteen and over sixty years of age, all ministers of the gospel, and any person who has lost a leg or an arm. Any other person who is otherwise disabled may be exempted on certificate of the county court of such disability. A list of persons so appointed to work on the public roads shall be made out in alphabetical order and filed by the overseer with the clerk of the district board.

7. At such times as the overseer may judge most suitable, he shall notify all persons in his sub-district liable to road duty of the day on which he requires them to work on the said road. Every person liable to road duty shall, either in person or by an able-bodied substitute not less than sixteen years of age, when required by the overseer of his district, attend with such wagons, teams, carts, scoops, or other implements, if he have them, and work the roads on such days (not exceeding two) as the overseer may direct. The overseer shall keep a strict account of all credits due any persons for service rendered, in accordance with the schedule furnished by the board of supervisors, and shall give a certificate, when so requested, to any persons entitled thereto showing such credits.

8. For every day on which there may be a failure to work by any person liable to road duty, one dollar shall be paid as a fine to the overseer of his road district by the person in default, if a person of full age, or if he be a minor, by his parent or guardian. If the money be not so paid, it shall be recoverable by the overseer, with costs, before a justice, and said justice shall issue a writ fieri facias for the amount, or, in his discretion, a capias pro fine, which,

when collected, shall be paid to the overseer or his successor. Any money received by an overseer under this section, after payment of costs, shall be applied to the working of roads in his district, and shall be accounted for by him to the district board.

9. Every overseer shall cause the roads under his charge to be kept clear and smooth, free from loose rocks, from gates unlawfully kept up, and other obstructions, thirty feet wide, unless otherwise ordered by the road board, and the bed of the road raised in the middle and slope gradually each way to the sides, where ditches sufficient to carry off the water shall be made and kept open. He shall also cause all dead timber liable to fall in the road to be removed. He shall keep at the forks or crossing of every road a sign-board, on which shall be plainly lettered the most notable points to which each road leads, and across such streams, where it is necessary and practicable, a sufficient bridge, bench, or log for the accommodation of foot passengers, and a bridge for vehicles and horses. He shall also, if directed by the board, provide suitable watering places on the lines of roads under his charge for the accommodation of stock and persons. All work required by this section, except removing obstructions, building and repairing bridges, shall be done between the first day of April and the first day of September of each year.

10. Every such overseer shall receive such compensation as may be fixed by the board, not to exceed two dollars per day for each day actually and necessarily employed in the discharge of his duties; but no compensation shall be allowed any overseer whose roads have not been inspected and approved by the road commissioner of the magisterial district in which his sub-district is located. Right, however, is herein reserved to the overseer to appeal from the decision or action of said road commissioner to the district board; whereupon the said district board shall appoint two or more disinterested freeholders to inspect the road or roads in dispute, and report their action at their meeting in October, the report of said freeholders to be accepted by all parties as final.

11. At a meeting of the district board, on the first Monday in May and October, the overseer shall render an accurate account to the board of all fines imposed, collected and expended by him, and what persons are delinquent, and for what sums; what persons are entitled to pay, and how much, for labor, teams, implements and materials; and how much, in his opinion, it will require to keep the roads in his district in order the ensuing year, and make such improvements as may appear advantageous. Said overseer shall have credit in his settlement for all receipts of constables for fines placed in his hands for collection, and uncollected, and the same shall be charged against

his successors; but the board may at any time credit such overseer with any fines that may appear insolvent, and which the overseer may make affidavit have not been collected by him: provided that if required by the board, the overseer, in any charge for services rendered by himself or his employees, hire of his own teams and implements, or materials furnished by himself, shall prove the same by affidavits of two disinterested witnesses, who shall be tax-payers of his road district, that the charges are just. Any such overseer who shall fail to perform any duty required by this act, or refuse to serve after being appointed, shall be liable, on presentment by the grand jury, to a fine not less than five nor more than thirty dollars, and may be removed from office by the board; but any person, after being overseer for two consecutive years, may give up his office on producing a certificate to the board from the road commissioner that the roads in his district are in proper order, and shall not in two years thereafter be appointed overseer without his consent.

12. If any overseer shall fail to account for any property or money in hand belonging to or due said district, and if he fail to make such settlement as is provided for in the preceding section, or fail to account for any money or property placed in his hands, the board shall ascertain the value or amount of such property or money, and deduct the same from his pay.

13. The overseer of any sub-district may take from any convenient lands so much wood, stone, gravel or earth as may be necessary to be used in the construction or repairing of such roads, or any bridge or causeway therein, and may, for the purpose of draining the road, cause a ditch to be cut through any lands adjoining the same: provided any such wood or other article be not taken from, any such ditch be not cut through, any lot in a town, yard or garden without the consent of the owner.

14. If any owner or tenant of any such lands shall think himself injured thereby, a justice, upon application to him, shall issue a warrant to three freeholders of the sub-district requiring them to view the said lands and ascertain what is a just compensation to such owner or tenant for the damage to him by reason of anything done under the preceding section. The said freeholders after being sworn, shall accordingly ascertain such compensation, and report the same to the district boards, who shall allow and audit the same among the claims against said district.

15. The road inspector shall have under his general supervision all the roads within his road district, and he shall, before the first Monday in May and October of each year, inspect and note the condition of all the roads in his district, the need of new ones, or alterations in existing ones; the condition of all bridges, and when new ones

are needed; give the overseer of each sub-district a certificate of approval of the work upon his roads, if their condition justify the same; all of which matters, with such suggestions as to the future work he may consider advisable, he shall embody in a report to be made to the board at its meeting on the first Monday in May and October. He shall pass over and inspect the roads in his district at least twice during the year, shall advise or suggest to the overseers any improvements in the mode or manner of working them, and shall carefully note any violation of duty or inefficiency of any road overseer in his district. He shall receive for his services two dollars per day for the time actually employed: provided the total compensation shall not exceed ten dollars in any one year. Any road inspector who shall fail to perform any duty required by this act, shall be liable, on presentment by the grand jury, to a fine of not less than five nor more than thirty dollars, and may be removed from office by the county court.

16. The members of the board of road commissioners for each magisterial district shall each receive for their services two dollars per day for time actually employed: provided the total compensations of each shall not exceed ten dollars for any one year, the road inspector, however, to receive in addition to the above his compensation as set out in the preceding sections. The clerk of the board shall receive reasonable additional compensation for extra service rendered. Such additional compensation shall be fixed by the board, subject to the approval by the county board of supervisors. The allowance to members of the board of road commissioners and the clerk's extra compensation shall be audited by said district board among the claims against said district.

17. The clerk of the board of road commissioners in each magisterial district shall forward, as soon as approved by the board, any and all bonds of the overseer of sub-district to the clerk of the county board of supervisors. He shall, before the first Wednesday in November of each year, make out a statement in writing of all claims against his said district, audited by the said board, the amount of each, and to whom due, what amount remains collected in the hands of the overseer, and what amount remains uncollected of fines; also the amount of road tax required by said board to be levied upon real and personal property within his district for the working of and keeping in order the public roads of said district. This statement shall be laid before the board of supervisors at their regular meeting on the first Wednesday in November of each year. The said clerk shall receive no pay for extra service until the above statement is made as directed.

18. The county board of supervisors, at their regular meeting on the first meeting in May, or at such adjourned meeting before the annual levy is closed, as they may deem practicable, shall examine all statements of the district boards laid before them, having power to correct any errors that may be found therein, and shall levy such road tax for the ensuing year upon each magisterial district as the board of said district may require: provided said tax does not exceed the rates set forth in the fourth section of this act in any one district. At said meetings, if it appear that there is any unexpended funds to the credit of any district, the said board shall, if they deem proper, apportion the same among all the districts of the county according to area.

19. The clerk of the county board of supervisors shall carefully file away and keep with other records of his office all bonds of road overseers and commissioners, and other papers relating to public roads within the magisterial district of his county, that may be delivered to him by the district boards. He shall furnish the clerk of each district board a certified copy of the schedule price adopted by the county board of supervisors for the hire of laborers, teams, and so forth, and he shall deliver, on or before the first day of June of each year, to the commissioner of the revenue for said county, a certified statement of the amount of road tax laid by the said board of supervisors upon each magisterial district.

20. It shall be the duty of the said commissioner of the revenue, when making his assessment of other taxes, to extend upon his books opposite the name of each person assessed with real or personal property therein, in a separate and distinct column, the amount of road tax for which each is liable, keeping each district separate; and for this service he shall receive a compensation not exceeding two and one-half per centum of the total amount of road tax assessed, payable out of the county treasury.

21. The treasurer of said county shall enter said road tax, assessed as provided in the preceding section, upon his tax bills, in a separate column, against all persons liable therefor, and collect the same in such manner as is provided by law for the collection of other taxes. He shall also keep a road-tax account with each magisterial district, and when said taxes are collected shall pay all road warrants presented to him, signed by the clerk of the district board and countersigned by the chairman of said board, crediting each district with the amount of road tax collected therein, and charging each district with all road warrants issued thereon, when paid by him; shall also settle his accounts relating to road tax annually with the district boards at such time as the said board may order; and for this service he shall receive the

same rate of per centum upon the road tax as is now allowed by law for the collection of other taxes. He shall also furnish the clerk of each board of commissioners, on the first Monday in October, a statement of the amount of assessment which will be to the credit of such district.

22. Every petition for a new road, or to lay out, open, alter or change a public road, must first be presented to the inspector of roads of the district in which the road is, who shall endorse thereon his approval or disapproval of the same, and his reasons therefor, which petition and inspector's report shall be laid before the county court, to be proceeded in as is now provided in the general road law of the state.

23. The court shall, in its discretion, however, if the damages assessed be allowed, order the said damages to be paid by the magisterial district or districts through which the road may pass in such proportion as the damages may have been assessed in the said district respectively, the viewers to be paid the sum of one dollar each per diem, and the surveyor two dollars per diem for time actually employed out of the county treasury.

24. In case of a road or a line dividing two magisterial districts, excepting such as may be otherwise provided for by special act, the commissioner of roads of the adjoining district shall divide the said road between such district in such way as will equitably divide the expenses, if they can agree, and in case they cannot agree the county board of supervisors shall divide the same and direct what part of said road shall be open and kept in repair by each magisterial district.

25. All acts and parts of acts in conflict with this act are hereby repealed. All acts of the general road law of the commonwealth shall be in force as to this county so far as they do not conflict with this act.

26. This act shall be in force from its passage.

CHAP. 581.—An ACT to provide a charter for the Veteran cavalry association of the army of northern Virginia.

Approved March 2, 1892.

Whereas it appears to the general assembly that an association has been formed known as the "Veteran cavalry association of the army of northern Virginia," whose objects are to cultivate a fraternal feeling among its members, and as far as practicable to aid those who may need assistance; to perpetuate the deeds and memory of fallen comrades by the publication of a faithful history of the

operations of the cavalry of Lee's army, and by the erection of an equestrian statue of General J. E. B. Stuart, in or near the city of Richmond, and that the association has been organized with the following officers, to-wit: Fitzhugh Lee, president; Wade Hampton, G. W. C. Lee, L. L. Lomax, T. L. Rosser, M. C. Butler, R. McKim, T. T. Munford, R. A. Chew, T. S. Garnett, T. W. Sydnor, Philip Haxall, P. M. B. Young, John S. Mosby, W. A. Smoot, John Gill, B. W. Lacy, B. T. Johnson, W. H. Payne, John Cussons, H. B. McClelland, W. P. Roberts, vice-presidents; C. A. Taylor, secretary; E. A. Catlin, treasurer; and W. J. Johnson, L. Levy, E. C. Minor, J. R. Werth, L. B. Vaughan, Joseph Bryan, M. J. Dimmock, J. W. Gordon, A. G. Babcock, J. W. Thomas, R. E. Frayser, and F. D. Hill, who, together with the president, vice-presidents, secretary, and treasurer, constitute a board of directors, with W. J. Johnson, J. W. Gordon, B. W. Lacy, E. C. Minor, T. W. Sydnor, and C. A. Taylor as executive committee of said board of directors; therefore,

1. Be it enacted by the general assembly of Virginia, That the said Fitzhugh Lee, and Wade Hampton, G. W. C. Lee, L. L. Lomax, T. L. Rosser, M. C. Butler, R. M. McKim, T. T. Munford, R. A. Chew, T. S. Garnett, T. W. Sydnor, Philip Haxall, P. M. B. Young, John S. Mosby, W. A. Smoot, John Gill, B. W. Lacy, B. T. Johnson, W. H. Payne, John Cussons, H. B. McClelland, W. P. Roberts, C. A. Taylor, E. A. Catlin, W. J. Johnson, L. Levy, E. C. Minor, J. R. Werth, L. B. Vaughan, Joseph Bryan, M. J. Dimmock, J. W. Gordon, A. G. Babcock, Joseph W. Thomas, R. E. Frayser, and F. D. Hill, and their survivors, and such others as they may associate with them, be, and they are hereby, constituted a body politic and corporate under the name and style of the "Veteran cavalry association of the army of northern Virginia," and by that name and style may sue and be sued, and shall be subject to all the provisions and entitled to all the rights, powers, privileges, and immunities prescribed by existing laws in so far as the same are applicable to like corporations and the purposes of said association, and are not inconsistent with this act.

2. The said association shall have power through its board of directors, seven of whom shall constitute a quorum, for the transaction of any business; to make for its government a constitution and such needful by-laws and regulations as are not inconsistent with the laws of this state; to provide for representation in its general meetings, and for elections of members and officers; to increase or diminish the number of its officers, to change their designations, and prescribe their duties; to appoint collecting agents, and to hold them to a strict accountability; to require of its receiving and disbursing officers bonds,

with security, conditioned for the faithful performance of their duties, and to make such regulations as may be needful for the management and disposition of its property and the due and orderly conduct of its affairs.

3. It shall be lawful for the board of directors of said association to raise by individual subscription and contribution such sums of money as may be necessary for its purposes, and to acquire, by gift or purchase, a lot or parcel of land not to exceed ten acres, and to hold and improve the same for the legitimate purposes of the association; such land to be held sacred to the purposes of the said association as recognized in this act, and such kindred objects as the association may from time to time through its board of directors adopt, and which may not be inconsistent with the laws of the state.

4. If the board of directors of the said association shall so determine, then it shall be lawful for the said association to erect the said monument to General J. E. B. Stuart on some public lot or square belonging to the city of Richmond, as may be agreed upon: provided it shall acquire the privilege of doing so from the proper authorities, and it shall do so subject to such conditions as may be stipulated for with the said authorities.

5. If from any cause the said association shall cease to exist, and not be revived within a reasonable time, the property which may be acquired by it within the state shall revert to the commonwealth of Virginia, and be held sacred to the purposes for which it shall have been originally acquired.

6. This act shall be in force from its passage.

CHAP. 582.—An ACT for the relief of W. W. Hudson, of King George county, from the payment of a fine imposed by the county court of King George county.

In force March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That W. W. Hudson, of the county of King George, is hereby relieved and discharged from the payment of a fine of seventy-five dollars and costs, imposed by the county court of said county at the September term thereof, eighteen hundred and eighty-seven, for a misdemeanor.

2. This act shall be in force from its passage.

CHAP. 583.—An ACT for the relief of W. O. Yager, treasurer of Page county.

In force March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Page is hereby given full authority in any settlement to be had between it and said William O. Yager, on account of county levies, in its discretion to allow him credit for the sum of thirty-five hundred and eight dollars, which he had on deposit in the banking house of D. F. Kagey and company at the time of the failure of said bank as aforesaid, belonging to said county arising from the collection of county levies: provided the said Yager shall transfer and assign to said board of supervisors so much of his deposit in or claim against said bank as will cover said sum of thirty-five hundred and eight dollars.

2. This act shall be in force from its passage.

CHAP. 584.—An ACT to ratify and confirm the charter granted by D. W. Bolen, judge of the fifteenth judicial circuit of Virginia, incorporating the Eldorado mining, manufacturing and improvement company of Virginia, and for other purposes.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That the charter granted by the circuit court of the fifteenth judicial circuit and the corporation organized under it, be, and the same is hereby, ratified and confirmed.

2. Be it further enacted, That the Eldorado mining, manufacturing and improvement company be, and the same is hereby, authorized and empowered to survey, locate, construct, equip and to operate directly or by lease or otherwise such railroad line or lines as in the said company's judgment may be necessary for the development of the said Eldorado mining, manufacturing and improvement company's properties in the counties of Wythe, Bland, Pulaski, Tazewell, Smyth and Giles, and for other purposes, with the right and power hereby conferred to exercise and enjoy all the privileges conferred upon railroad corporations generally, subject to the laws governing the same.

3. This act shall be in force from its approval.

CHAP. 585.—An ACT to amend section 2 of an act to incorporate the Cardwell machine company and to repeal section 3 of said act.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of an act entitled "an act to incorporate the Cardwell machine company," approved February twenty-eight, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 2. The capital stock of said company shall be eighty-five thousand dollars, and it may be increased from time to time, and at any time, by vote of the stockholders, a majority thereof voting for such increase, to a sum not exceeding three hundred and fifty thousand dollars; and said capital stock shall be divided into shares of the par value of one hundred dollars each; and whenever eight hundred and fifty shares have been subscribed and ten per centum paid in cash thereon, under the direction of any three or more of the incorporators hereinbefore named, the subscribers or stockholders may organize the company by electing a president and treasurer and a board of directors, said board to consist of not less than five stockholders, and by electing or appointing such other officers or agents as may be deemed necessary for the management of such company's affairs; and thereupon said company shall have and exercise all the general powers, privileges, and functions of a corporation, and be subject to all the restrictions imposed by the laws of the state applicable to manufacturing companies, except so far as the same may be changed or modified by this act.

2. Be it further enacted, That section three of said act be, and is hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 586.—An ACT to authorize E. W. Milligan, F. Stratner, J. E. N. Sterling, W. H. Sterling and W. C. Truitt, partners trading under the firm name and style of Milligan, Stratner, Sterling and company, to erect a wharf upon the land leased by them of J. S. Darling in Elizabeth City county.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That E. W. Milligan, F. Stratner, J. E. N. Sterling, W. H. Sterling and W. C. Truitt, partners trading under the firm name and style of Milligan, Stratner, Sterling and company, of the county of Elizabeth City, be, and are hereby,

authorized and permitted to erect a wharf upon the land leased by them of J. S. Darling on the south side and at the mouth of Back river, with a water front of fifty feet, or less, and extending one hundred and fifty feet, or less, from low-water mark into the said Back river; and that they, the said Milligan, Stratner, Sterling and company, their heirs, assigns or successors, shall have the right to charge and receive such fees as a compensation for the use thereof as may have been agreed upon by them, or as are usual: provided that such wharf shall not obstruct or impair free navigation in the said Back river: and provided also, that this act shall be subject to amendment, modification or repeal at the pleasure of the general assembly.

2. This act shall be in force from its passage.

CHAP. 587.—AN ACT for the protection of stock breeders and owners of licensed stallions.

In force March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That any person who owns a mare or jennet and breeds the same to any stallion or jackass that is duly licensed under the license laws of the state of Virginia, and where such mare shall be bred to and become in foal by any such stallion or jackass, and the same is delivered of a live colt, the owner of any such stallion or jackass shall have a lien upon said colt for a period of six months, or until the price agreed upon for the season by the owner of the stallion or jackass and the owner of the mare or jennet be paid. Said lien shall not extend for a longer period than six months, and after judgment has been taken for the amount of said fee, then, unless the same is paid, the officer in whose hands the fee is placed for collection may proceed to levy on and sell said colt for the aforesaid fee and costs, and he shall be entitled to the same fees for his services as is provided for by the existing law, and this lien shall be operative from the recordation thereof, and if a chattel mortgage shall be recorded as other mortgages, and if not reduced to writing shall, upon application of the owner of the stallion or jackass, be recorded by the clerk of the county court of the county in which the foal is foaled, in the deed-book in the following form:

The owner of the stallion or jackass (giving his name) versus the owner of the foal, claims a lien on a colt or mule, as the case may be, less than six months old for \$—, for the get thereof.

The clerk shall be entitled to a fee of thirty cents for the recordation of each of such last described liens.

2. This act shall be in force from its passage.

CHAP. 588.—An ACT to incorporate the Portsmouth, Smithfield and western railway company.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That James F. Maupin, William G. Maupin, junior, William H. Stewart, and T. J. Barlow, of the city of Portsmouth, state of Virginia; M. W. Mason, of the city of Norfolk, state of Virginia; P. D. Gwaltney and R. S. Thomas, of Isle of Wight county, state of Virginia; Doctor G. W. Butts and R. B. Hodsden, of Nansemond county, state of Virginia; C. W. Warren and A. S. Edwards, of Surry county, state of Virginia; J. O. Magruder, of Albemarle county, state of Virginia, their associates, successors, and assigns be, and they are hereby, declared a body politic and corporate by the name of the Portsmouth, Smithfield and western railway company, for the purpose of locating, constructing, equipping, maintaining, and operating a railway from some suitable point on the western side of the Elizabeth river, in or near the city of Portsmouth, Virginia, through the counties of Norfolk, Nansemond, Isle of Wight, Prince George, Surry, Charles City and Henrico, to some suitable point in or near the city of Richmond, Virginia.

2. Said company may build its road by such route as it may deem most advantageous and expedient, and shall have the right to cross any navigable stream on its route: provided a draw sufficient not to impede navigation is placed in its bridges over said streams, and shall have further right to construct, equip, and maintain branch tracks, not to exceed twenty-five miles each in length, which shall have all the rights of way and powers, and shall be subject to the same restriction as the main line; and said company may connect or unite its said road with that of any other company or companies, or consolidate and merge its stock, property, and franchises with those of any other companies operating or authorized to operate a connecting line of railroad, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connections, merger, or consolidations.

3. The said company may acquire title in the mode prescribed by law to a continuous line of land one hundred feet in width, and such additional lands as may be necessary for the use of said roads and tracks, and for the yards, buildings and works of said company. And it shall be lawful for said company to acquire in subscription to the

capital stock of said company, or by donation, money, land or other property, labor, work, material, bonds and other means available for that purpose, and to receive subscriptions from individuals, other companies, associations or corporations; and the said company may sell, lease, or otherwise dispose of any lands or other properties acquired under this section: provided this section shall not be construed as to authorize said company to acquire by purchase in any county or corporation more land than is necessary for the operating of said company as a common carrier.

4. Said company shall have the right to cross at grade, over or under, intersect, join or unite its railway with any other railway now built or constructed, or hereafter to be built or constructed, at any point on its route upon the grounds of such railway company with necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction.

5. It shall be lawful for any incorporated company to aid in the construction of said railway, and for that purpose may acquire the bonds and stock of said company, and the said company may run, use or operate, by lease or otherwise, and may connect or consolidate with any other railway or transportation company upon such terms as may be agreed upon.

6. Said company shall have perpetual succession and a common seal, which it may renew or alter at pleasure, and may sue and be sued, plead and be impleaded, contract and be contracted with, and make ordinances, by-laws and regulations not inconsistent with this act or the laws of this state for the government of its officers and agents and the proper conduct of its affairs.

7. The capital stock of said company shall not be less than ten thousand dollars nor more than one million five hundred thousand dollars, divided into shares of one hundred dollars each. In all meetings of the stockholders each share shall entitle its holder to one vote. Any city, town, county, or corporation, except the city of Norfolk, may subscribe to the capital stock of said company in the manner and under the restrictions prescribed by the statutes of Virginia.

8. It shall be lawful for said company to borrow money to such an amount as its board of directors may deem necessary and proper, and to issue for any loan debenture bonds of the said company, bearing interest at such rates per annum as the said board of directors may determine; and to secure the payment of such loan or loans said company may execute one or more mortgages or deeds of trust upon the whole or any part of its property, real, personal, or mixed, its charter rights, franchises, and income.

9. The corporators herein mentioned shall have the power and authority of a president and board of directors

for the purpose of organization of said company, and for all other purposes, and until a president and board of directors shall be selected at the stockholders' meeting; and said meeting shall be held as soon as the minimum capital stock shall have been subscribed, and after such notice as the said corporators may deem necessary and proper.

10. The said company shall commence work under this act within two years from the first day of July, eighteen hundred and ninety-two, and complete the same within five years from that date; otherwise this act shall be null and void.

11. All taxes shall be paid in lawful money of the United States.

12. This act shall be in force from its passage.

CHAP. 589.—An ACT to amend and re-enact section 1 of an act entitled an act to incorporate the Salem and Craig railway and mining company, approved January 16, 1892.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled "an act to incorporate the Salem and Craig railway and mining company," approved January sixteenth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 1. That J. C. Langhorne, C. W. Howard, A. M. Bowman, James W. Marshall, J. W. F. Allemong, George W. Palmer, W. W. Ballard, W. A. Connell, Frank D. Hill, J. C. McDonald, Charles G. Wortham, W. W. Brand, A. L. Boulware, D. B. Strouse, John W. Caldwell, C. N. Hawkins, P. W. Scott, F. L. Abbott, T. J. Sleikel, M. B. Rowe, E. M. Worden, W. T. Younger, Z. T. Call, T. B. McCartney, and J. H. Looney, all of the state of Virginia, and Frank Woodman and E. A. Humphreys, of the state of West Virginia, or such of them as may accept the provisions of this charter, and such other persons and corporations as may become associated with them in the manner hereinafter provided, shall be, and they are hereby, constituted and made a body corporate by the name of the Salem and Craig railway and mining company, and as such authorized and empowered to locate, construct, equip, and operate a railroad of standard gauge, of single or double track, commencing in or at the town of Salem, in Roanoke county, and connecting with the Norfolk and Western railroad at Salem, and with such other railroads as may be constructed to that town, and thence running by the most practicable and eligible route deemed advisable by the board of directors of said company to such place or point in Craig county,

Virginia, as will make connection with or intersect the railroad now in operation in said county, or with such other railroads as may be hereafter constructed up Craig's creek from said railroad now in operation, said point to be determined by the board of directors, and may extend its main line westwardly to the Tennessee or Kentucky line, by the most eligible and practicable route to be determined by said board of directors; and may also construct a branch line from a point on its main line down New river to the West Virginia line. And it shall be lawful for the said company to construct and operate lateral or branch roads from its main line, not to exceed twenty (20) miles in length, which shall have all the rights, powers, and franchises, and be subjected to the same restrictions as the main line.

2. This act shall be in force from its passage.

CHAP. 590.—An ACT to confirm and legalize a deed made by the trustees of the M. E. church, south, to the Surry lumber company.

Approved March 2, 1892.

Whereas the said Surry lumber company, by its deed dated August twenty-six, eighteen hundred and eighty-nine, and of record in the clerk's office of Surry county court, in deed-book twenty-three, page six hundred and eighty-nine, did convey to the said A. G. Higgins, John N. Ramey, J. S. Avery, Joseph T. Price and George W. Dickerson, trustees for the Methodist Episcopal church, south, as a donation for the purpose of erecting thereon a house of public worship for the use of the ministry and membership of the said church, a certain lot of land one hundred and fifty-three feet wide by one hundred and ninety-five feet long, and fully described and bounded in said deed; and whereas the first quarterly conference for Surry circuit, Suffolk district annual conference of the Methodist Episcopal church, south (that being the legally constituted body having charge of the churches within its bounds and authority to establish new churches, and with power to act in the premises), at its meeting on the fourteenth day of February, eighteen hundred and ninety-one, by a resolution adopted by that body and entered on the minutes of the proceedings of the said conference, refused to accept the said lot of land so donated by the said Surry lumber company, or to build a church at said village of Dendron, and relinquish all claim to said lot under said deed, and directed the said trustees and specially authorized them to re-convey said lot of land to the said Surry

lumber company; and whereas the said trustees, in pursuance of said resolution and direction of said conference, did, by deed dated April twenty-fourth, eighteen hundred and ninety-one, which is of record in the clerk's office aforesaid, in deed-book twenty-four, page six hundred and eleven, grant and re-convey said lot of land at Dendron to the Surry lumber company, to be held by it in the same manner as it was before the conveyance by said company to the said trustees; and whereas a doubt has arisen as to whether said trustees could legally re-convey said land to said company; therefore,

1. Be it enacted by the general assembly of Virginia, That the hereinbefore recited deed made by A. G. Higgins, John N. Ramey, J. S. Avery, Joseph T. Price, and George W. Dickerson, trustees for the Methodist Episcopal church, south, to the Surry lumber company, dated on said twenty-fourth day of April, eighteen hundred and ninety-one, and recorded as aforesaid, whereby the said lot of land at Dendron, Surry county, Virginia, was granted and reconveyed to said Surry lumber company, be, and the same is hereby, validated, confirmed, and legalized, and that the fee simple title to said lot of land rest in the said Surry lumber company in the same manner as before the execution by said company of the deed to said trustees therefor, bearing date August twenty-sixth, eighteen hundred and eighty-one.

2. This act shall be in force from its passage.

CHAP. 591.—An ACT to authorize the board of supervisors of Elizabeth City county to expend the surplus fund in the hands of the county treasurer due the county, and not otherwise appropriated, in the improvement of the public highways of said county.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of Elizabeth City county to expend any surplus fund now in the hands of the treasurer of the said county due the said county, and not needed to defray legitimate county charges, in the alteration, construction, and repairs of the public highways and bridges in the said county in such manner and at such times as the said board shall determine: provided that of any sum appropriated under this act the said board shall direct the said treasurer to place to the credit of the town of Hampton such a part thereof as shall bear the same proportion to the sum so appropriated as the property assessed with county tax of the said town

bears to the values of the whole county, and the said town council shall expend the said sum upon the improvement and betterment of the streets of the said town.

2. This act shall be in force from its passage.

CHAP. 592.—An ACT to give H. C. Joyner, treasurer of Amherst county, and his deputies power of levy and distress to collect certain uncollected tax tickets now in his hands.

Approved March 2, 1892.

Whereas H. C. Joyner, treasurer of Amherst county, has in his hands various tax tickets for which he has accounted to the state and county; therefore,

1. Be it enacted by the general assembly of Virginia, That the said H. C. Joyner, treasurer aforesaid, and his deputies, shall have the same power of levy and distress as is now possessed by treasurers under the revenue laws, until one year after the passage of this act, to collect the uncollected tax tickets now in his hands for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, and eighteen hundred and ninety.

2. This act shall be in force from its passage.

CHAP. 593.—An ACT to permit C. S. Witham and brother to build a watch-house in the waters of Mesongo creek, in the county of Accomac.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That C. S. Witham and brother be permitted to build a watch-house in the waters of Mesongo creek, in the county of Accomac, for the purpose of watching their oyster grounds: provided the said building does not obstruct navigation: and provided further, that this act shall at all times be under the control of the general assembly, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 594.—An ACT to amend the charter of the city of Radford, approved January 22, 1892.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That sections one and two of chapter one; section three of

chapter two; sections fifteen and sixteen and subdivisions four, five and ten of section seventeen of chapter four, and sections twenty-one and twenty-five of chapter four; sections forty-three, forty-five, forty-six of chapter five; and sections fifty, fifty-one, fifty-five, fifty-six, fifty-seven and sixty-two of chapter six, of an act entitled an act to incorporate the city of Radford, approved January twenty-second, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

CHAPTER I.

§ 1. Elections.—That the territory contained within the limits prescribed and herein designated as follows, viz.: Beginning at a point where Plumb creek empties into New river, thence southwardly to intersection of Auburn avenue and Commerce avenue on the lands of South Radford development company; thence passing west of dwelling of M. Gibson due south to the south side of the old National turnpike, and with the south side of the same to a point opposite the western boundary line of the Radford west end land company's property; thence with said boundary line to New river, and with New river to the beginning, be deemed and taken as the city of Radford, and the inhabitants of the city of Radford, for all purposes for which towns and cities are incorporated in this commonwealth, shall continue to be one body politic in fact and in name, under the style and denomination of the city of Radford, and as such shall have, exercise and enjoy all the rights, powers and privileges, and be subject to all the duties and obligations now incumbent and pertaining to said city as a municipal corporation, it having been ascertained that there now exists over five thousand population within the said limits.

§ 2. There shall be established for the said city of Radford a court of record, which shall be called the corporation or hustings court of Radford, and shall be held by the judge thereof, with such powers and at such times as the constitution and laws of the state now in force for the government of corporation courts may provide. The judge of said court shall reside in said city or within the jurisdiction of his said court: provided, however, that the said city of Radford shall pay to the county of Montgomery, in ten equal annual instalments (the first payment to be made the first day of January, eighteen hundred and ninety-three), that proportion of _____ thousand dollars which the value of the real estate taken in by reason of the extension of the corporate limits of the said city under this act sustains to the value of the whole of the real estate so taken in and that of Montgomery county, as ascertained by the assessment of eighteen hundred and

ninety-one, the amount to be determined by a committee appointed on behalf of the county and a like committee on behalf of the city.

CHAPTER II.

§ 8. The city shall be divided into two wards, as follows—viz: The territory east of Connelly's run shall be known as east ward, and the territory west of Connelly's run shall be known as west ward. Each ward shall be entitled to six councilmen, who shall be as follows: For the east ward—J. P. Kelly, E. F. Gill, G. W. Tyler, H. P. Briggs, D. V. Sturdevan, and G. T. Kearsley; for the west ward—W. J. Kenderdine, J. D. Moffett, W. R. Wharton, J. H. Washington, H. H. Powers, C. A. Beinkampen, and who shall hold office until their successors shall be elected thereafter in the manner herein provided; and as justice for east ward, J. D. Peters, and for west ward, W. W. Boswell, and as constable for said city, R. T. Smith.

CHAPTER IV.

§ 15. City council.—The city council shall have authority to adopt such rules and appoint such officers, committees, or clerks as they may deem proper for the regulation of their proceedings and for the convenience of business; to compel the attendance of absent members; to punish its members for disorderly behavior, and by a vote of three-fourths of the whole council to expel a member for misfeasance of or malfeasance in office. They shall keep a minute-book in which their clerk shall note the proceedings of the council, and shall record said proceedings at large on the record-book, and keep the same properly indexed. The meetings of the council shall be open to the public, except when the public welfare shall require secrecy.

§ 16. A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be passed or resolution adopted having for its object the appropriation of money except by the concurrence of at least eight members. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless there be at least ten members present and seven of them concur. All contracts relating to city affairs shall be in writing, signed and executed in the name of the city by the officer authorized by resolution or ordinance to make the same, and in cases not otherwise directed shall be executed by the mayor. Every contract involving an appropriation of money shall only be payable out of the fund provided for the purpose, and shall not be in excess of the appropriation properly

applicable thereto, and no debt or contract shall be binding upon the city unless authorized by law or by ordinance and an appropriation sufficient to pay the same be previously enacted and made by councils: provided that persons claiming unauthorized debts or contracts may recover against the person illegally making the same.

§ 17. Fourth. To establish or enlarge works within or without the limits of the city for furnishing water and light, or either, to the inhabitants of the said city, or to persons, firms, or other municipalities in the vicinity thereof; to contract and agree with the owners of any land for the use and purchase thereof, or have the same condemned according to law, for the location, extension, or enlargement of their said works, the pipes connected therewith, or any of the fixtures or appurtenances thereof, and shall have the power to protect from injury, by ordinance prescribing adequate penalties, the said works, pipes, fixtures and land, or anything connected therewith, whether within or without the limits of said city.

Fifth. To close or extend, widen or narrow, lay out, graduate, curb and pave, and otherwise improve streets, sidewalks, and public alleys in said city, and have them kept in good order and properly lighted; and over any street or alley in the city which has been or may be ceded or conveyed to the city by proper deed they shall have like power and authority as over other streets and alleys; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over or under, or in any street, sidewalk, or alley in said city, and may permit shade trees to be planted along said streets; but no company shall occupy with its works, or any appurtenances thereof, the streets, sidewalks, or alleys of the city without the consent of the council duly entered upon its record. In the meantime no order shall be made and no injunction shall be awarded by any court or judge to stay the proceedings of the city in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants, are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

Tenth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; and to prevent by appropriate legal remedy all nuisances affecting or likely to affect the city or the inhabitants thereof, where the same may originate outside the limits of said city; to establish, erect, and regulate hospitals; to provide for and enforce the removal of patients to said hospitals; to appoint and organize a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties.

§ 21. The said council shall also have power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the state for the use, protection, preservation, and ornamentation of the cemetery; to set aside, in their discretion, by metes and bounds, a portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease, and to prescribe what class and condition of persons shall be admitted to interment in the cemetery. The money from such sale or lease of burial lots shall be invested, used, and employed for the use, protection, preservation, and ornamentation of said cemetery. The cemetery, when established and inclosed, with the property included in it, shall be exempt from all state, county, and municipal taxation, and the council shall hold all property, franchises, and choses in action, of whatsoever nature, heretofore acquired by the town of Radford.

§ 25. Whenever any street, alley or lane in said city shall have been opened to and used as such by the public for the period of five years, the same shall thereby become a street, alley or lane for public purposes, and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys and lanes laid out by them; and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said city, by a plan or plat of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designed for private use. But upon a petition of a majority of the persons interested therein, the council shall have power to open the same for the use of the public.

CHAPTER V.

§ 43. City Officers.—There shall be elected by the qualified voters of the city of Radford, on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May in every second year thereafter, one commissioner of the revenue, who shall hold his office for the period of two years, and until his successor shall be elected and qualified, unless sooner removed from office. He shall give bond with sureties in such amount as the council may determine, said bond to be approved by the city council, entered on their record, and filed in the office of the city clerk. In case a vacancy shall occur in the office of commissioner of the revenue, the city council shall elect a qualified person to fill said office until the next general election, which may be held in the city, when the vacancy shall be filled for the unexpired term.

§ 45. To aid the commissioner of the revenue in his duties, the clerk of the court of hustings for the city of Radford, as required, shall deliver to him such lists as are mentioned in section four hundred and thirty-nine of chapter twenty-three of the code of Virginia of eighteen hundred and eighty-seven, as far as may relate to lands in said city. He shall receive for his services the fees allowed by law, and such other compensation as the city council may from time to time direct. The said commissioner of the revenue, in ascertaining the value of the real property taxable in said city, shall fix the same at the actual cash value of said property at the time of assessment, irrespective of the value assessed for the purposes of state taxation, until the next general assessment, and the first assessment not later than July first, eighteen hundred and ninety-two: provided also, that a board, consisting of the commissioner of revenue and two freeholders, to be appointed by the corporation court, whose duty it shall be to assess the real estate of the city.

§ 46. There shall be elected by the qualified voters of the city of Radford on the fourth Thursday in May, eighteen hundred and ninety-two, and on the fourth Thursday in May in every second year thereafter, one city sergeant, who shall attend the terms of the court of hustings for said city and act as the officer thereof, and shall perform such other duties as may be prescribed and ordained by the city council, and shall receive such compensation therefor as the council shall determine. He shall be collector of delinquent city taxes placed in his hands by the city treasurer, and for that purpose shall have all the powers and authority and be subject to the same liability and penalties as are prescribed for county treasurers in the collection of state taxes and county levies, and may be proceeded against in the same manner, so far as applicable and not inconsistent with the provisions of this act. He shall pay over to the treasurer (or in the treasury of the city, as may be prescribed by ordinance) weekly, or oftener if he thinks proper, all moneys which came into his hands for taxes or otherwise belonging to the said city. He shall report to the council in writing, at each stated meeting, the amount of all moneys collected by him for the city, from whom collected and when collected, and paid over as herein directed. Before entering upon the duties of his office as collector of the delinquent taxes of the city, he shall enter into bond, with sureties to be approved by the council, in such sum as the council may direct; said bond to be payable to the city of Radford, and conditioned for the faithful discharge of the duties of said office, and shall be entered on the records of the council, and the original shall be filed in the office of the clerk of the council.

CHAPTER VI.

§ 50. Finance.—For the execution of its powers and duties the city council may, in the name of and for the use of the city, contract loans, or cause to be issued certificates of debt or bonds: provided no such certificates of debt or bonds shall be issued except by a two-thirds vote of the council, endorsed by a majority of the freehold voters of each ward voting on the question and by the standing committee of each ward; but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four years: provided further, that said council shall not contract said loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement, or other purpose, without being first authorized so to do by three-fourths of the freehold voters of each ward voting on the question: provided further, that in no case shall the aggregate debt of the city of either ward at any one time exceed fifteen per centum of the assessed value of the taxable property, real and personal, within its limits: provided further, that the council shall determine, whenever a loan is deemed necessary for either ward for benefit of said ward, the amount of loan that the fifteen per centum limit will justify, as determined by the assessed valuation of the taxable property of said ward, and when so determined the council may issue bonds or certificates of debt in the name of the city for the amount so determined: provided further, that the said council shall not endorse the bonds of any company whatsoever without the same authority. All contracts for the erection of public improvements within the jurisdiction of the city council shall be let to the lowest responsible bidder, and notice shall be given at least thirty days before the work is finally let, by advertisement in one or more newspapers published in the city, and the party to whom said contract shall be let shall give such bond as the council and the standing committee of the proper ward may require and approve; but in no event shall any contract be let to any member of the city council, nor shall any member have any interest in such contract.

§ 51. Whenever hereafter there shall be contracted by the council any debt not payable within one year thereafter, there shall be set apart annually for thirty-four years, or until the debt is paid, a sum not less than one per centum of the amount of any debt, in addition to the annual interest agreed to be paid thereon, which sum shall be applied and invested towards the payment of such debts.

§ 55. All taxes required for the purpose of paying the salaries of the municipal officers and other current expenses of maintaining the municipal organization, such as printing, stationery, and other office expenses and supplies, or the expenses for salaries of policemen and firemen, and all other expenses of maintaining the police and fire services, including fuel, apparatus, rent, and the expense of maintaining the hustings court, and repairs, shall be assessed, levied, or collected from either ward and applied generally without regard to the amount thereof; but all taxes or assessments for the purpose of opening, grading, paving, macadamizing, curbing, or improving streets or other highways, erecting or maintaining bridges, schools, or buildings or other permanent improvements intended for public use or purposes, shall be assessed, levied, and collected only upon the persons and property within the ward where such expenditures are to be made, and shall only be assessed, levied, and collected on the recommendation or report of the standing committee of such ward to councils to that effect, and the treasurer shall keep separate accounts of such taxes collected in each ward, and after deducting his fees shall pay the same over to the treasurer of the city, to be set and kept apart as special funds to be applied to the special purposes within the particular ward where such taxes were assessed, levied, and collected: provided that the property in one ward shall not be liable for the sinking fund herein provided for the other ward.

§ 56. There shall be at all times two standing committees—one composed of four of the members for the east ward, and the other composed of four of the members for the west ward; and each committee shall have the power and duty of considering and acting upon all matters within its respective ward relating to the opening, grading, paving, macadamizing, curbing or improving streets or highways, erecting or maintaining bridges, schools or other buildings, or improvements intended for public use or purposes within such ward, and other matters involving the special liability of such ward for assessments or taxes; and no liability shall be authorized or incurred by councils on account of the purposes for which such ward is alone taxable; and no tax to provide money for the said purposes shall be imposed by councils, assessed, levied or collected until the said committee shall have recommended to councils to impose, authorize or incur the said liability or to assess, levy and collect the said taxes, and shall have fixed the rate thereof.

§ 57. The city council may levy a tax on licenses to agents of insurance companies whose principal office is not located in said city; to auctioneers; to public theatrical or other performances or shows; to keepers of billiard-

tables and ten-pin alleys; to hawkers and peddlers; to agents for the renting of real estate; to commission merchants, and any other business, whether a license may be required therefor by the state or not; and to lawyers and doctors for the privilege of practicing in the corporation, the amount of the license in case of lawyers and doctors not to exceed that imposed by the state. For water or light supplied by the city from its works councils shall fix the rates therefor, the time when such rates shall be paid, and the penalties for the non-payment thereof.

§ 62. The city council may organize and maintain a fire department for the city, and appoint an engineer, assistants and other officers, with any or all the powers which have been or may be vested by law in such officers; and they may make rules and regulations for the government of the officers and men of said department; may prescribe their respective duties in case of fire or alarms of fire; may fix their pay, and may impose reasonable fines for the breach of such regulations, and may make such ordinances as they may deem proper to extinguish and prevent fire, to prevent property from being stolen, and to require citizens to render assistance to the fire department in case of need.

2. All acts or parts of acts in conflict with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 595—An ACT to provide for the enumeration of the population of towns claiming to have five thousand or more inhabitants with a view of being chartered as cities in accordance with the constitution.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That any town in the state claiming to have a population of five thousand or more, and wishing to be incorporated as a city, may, through its mayor and council, apply to the county court of the county in which it is situated, or to the judge thereof in vacation, to have a legal enumeration of its population. When said application is made it shall be the duty of said court, or the judge thereof in vacation, forthwith to divide such town into four districts, with well-defined boundaries, numbered one, two, three, and four, and to appoint for each of said districts two enumerators, one of whom shall be a resident of the county in which said town is situated outside of said town, and recommended by the board of supervisors of said county, and the other a resident of said town, and recommended by the council thereof. In the absence of recommenda-

tions the judge must proceed to make the aforesaid appointments. Before entering on their duties they shall take an oath, before some notary public or other officer qualified to administer oaths under the laws of this state, for the faithful discharge of their duties.

2. The said enumerators shall at once proceed to enumerate the actual bona fide inhabitants of their respective districts. They shall report to the said judge the result of their enumeration and a list of the persons enumerated by them. If they shall disagree as to whether a person or persons shall be enumerated they shall report their disagreement to the said court or the judge thereof in vacation, who shall take evidence and determine whether the said person or persons are actual bona fide inhabitants of said town. If he shall find they are, he shall add their names to said list.

3. The said court or the judge thereof in vacation shall cause to be tabulated and consolidated said lists showing the whole number of inhabitants in said town, and enter the result thereof in the record of his court, the costs of which shall be the same as is paid for like work in other proceedings.

4. The said judge shall allow each enumerator three dollars per day for each day actually employed by him in making said enumeration. He shall certify the allowance to the enumerators, and costs, to the council of said town for payment out of the town treasury, and the same shall be a legal charge upon said town.

5. This act shall be in force from the date of its passage.

CHAP. 596.—An ACT to amend and re-enact section 848, chapter 36 of the code of Virginia, in regard to the pay of the board of supervisors of the county of Lee.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and forty-eight of chapter thirty-six of the code of Virginia be amended and re-enacted so as to read as follows:

§ 848. Each member of the board of supervisors shall be allowed and paid out of the county levy a compensation for his services and expenses in attending the meetings of the board at the rate of three dollars per diem for the time he shall actually attend, and five cents for each mile travelled in going to or returning from the place of meeting, but no per diem allowance shall be made for any time occupied in travelling where mileage is allowed therefor: provided that but one mileage shall be allowed for

any one term of meeting of such board, and no supervisor shall be allowed to draw pay for more than ten days' attendance in any one year: provided further, that the supervisors of the counties of Scott, Wise, Buchanan, Floyd, Russell, and Bland shall receive each an allowance of only two dollars per day for attendance, but not to exceed ten days in any one year.

CHAP. 597.—An ACT to remove the political disabilities of William P. Dillard.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, (two-thirds of both houses concurring), That the disabilities of William P. Dillard, incurred under clause three of section one of article three of the constitution of Virginia, with reference to duelling, be, and the same are hereby, removed.

2. This act shall be in force from its passage.

CHAP. 598.—An ACT to authorize the trustees of the first colored Baptist church, of Manchester, Virginia, to borrow money and give a deed of trust.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That James H. Cunningham, senior, Samuel Logan, William H. Hughes, senior, Woodson B. Mann and Robert Harris, trustees of the first colored church, of Manchester, Virginia, or their legally authorized successors, be, and they are hereby, authorized to borrow an amount of money not to exceed ten thousand dollars, at a rate of interest not to exceed eight per centum per annum, to enable them to rebuild in the said city, and secure the same by deed of trust upon the present property of said church.

2. This act shall be in force from its passage.

CHAP. 599.—An ACT for the relief of James M. Dillard, deputy treasurer of ——— district, of Caroline county, under J. R. Richerson, former treasurer of said county.

In force March 2, 1892.

Whereas it appears from the papers and proceedings in a certain suit in chancery now depending in the circuit

court of Caroline county under the name and style of "Dickinson's administrator vs. Dillard, and so forth," and from other testimony and proof not adduced before us that said James M. Dillard, deputy treasurer, and so forth, as aforesaid, hath been embarrassed in his defence in said suit by reason of his confession of judgment to J. R. Richerson, treasurer; and that said Dillard inconsistently made such confession of judgment for tax claims which he, as such deputy treasurer, had only failed to collect upon lands in his district which have been since sold as delinquent for the benefit of the commonwealth; and whereas it also appears by and from said papers and proceedings that the debt to the school board and board of supervisors, for whose benefit said confession of judgment was thus inconsiderately given, has been fully paid off and discharged, and it being more than doubtful as to whether the commonwealth has any claim upon or lien against the property of said Dillard; therefore,

1. Be it enacted by the general assembly of Virginia, That the lien, if any there be, and the claim of the commonwealth for said uncollected tax bills, if any she have, be, and the same is hereby, remitted and released.

2. This act shall be in force from its passage.

CHAP. 600.—An ACT to allow a pension to Adeline Conner, of Pulaski.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That Adeline Conner, the wife of David Conner, who lost his life while in the military service of the Confederate states in the late war between the states, shall be entitled to aid under an act of the general assembly of Virginia, approved March fifth, eighteen hundred and eighty-eight, entitled an act to give aid to soldiers, sailors, and marines of Virginia maimed or disabled in the war between the states, and to widows of Virginia soldiers, sailors, and marines who lost their lives in said war in the military service.

2. This act shall be in force from its passage.

CHAP. 601.—An ACT to define a lawful fence in the county of York.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That every fence in the county of York four and a half

feet high (which, if the fence be on a mound, shall include the mound to the bottom of the ditch), made of four rails, three planks or three strands of wire to the panel, each panel of which shall not exceed ten feet in length, shall be deemed a lawful fence as to all animals named in section two thousand and forty-two of the code of Virginia of eighteen hundred and eighty-seven, whether such animals could creep through the same or not.

2. This act shall be in force from its passage.

CHAP. 602.—An ACT to allow C. H. Rogers, deputy treasurer of Warren county, further time in which to collect certain taxes.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That C. H. Rogers, deputy treasurer of Warren county, be empowered to collect the taxes that remain in his hands uncollected for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, and eighteen hundred and ninety, which have not been returned delinquent by distress or levy, and that the time for his collection of the said taxes be extended for one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 603.—An ACT to empower the treasurer of Amherst county to make sale of lands returned delinquent for non-payment of taxes for the year 1890.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That H. C. Joyner, treasurer of Amherst county, be, and he is hereby, empowered to make sale of the lands returned delinquent for the non-payment of taxes for the year eighteen hundred and ninety, in said county, on the first day of March term of the county court of Amherst, eighteen hundred and ninety-two, between the hours of ten in the morning and four in the afternoon, in front of the courthouse, unless the amount for which the said lands are delinquent, together with the interest, costs, and charges, shall have been previously paid to the said treasurer. If, however, the sale is not completed on that day, it shall be adjourned to the first day of the next county court.

2. This act shall be in force from its passage.

CHAP. 604.—An ACT to authorize the board of supervisors of Montgomery county to borrow money to pay the present indebtedness of said county.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Montgomery county be, and they are hereby, authorized to borrow money, not exceeding twenty-five thousand dollars, with which to pay off the present indebtedness of the county.

2. The said loan shall be effected by issuing the bonds of the county, signed by the chairman of said board and countersigned by the clerk, payable not more than twenty years after the date of issue; the said bonds to be for the sum of one thousand dollars each, with coupons attached for the semi-annual interest, and the principal shall be made to fall due in sums of two thousand dollars each year, so that all of the bonds shall become due and be paid off in sums of two thousand dollars each consecutive year after payment of them is begun.

3. The said board of supervisors may fix the rate of interest which the said bonds shall bear, but said rate shall not exceed six per centum per annum.

4. The said board of supervisors shall have full power to negotiate the said bonds through an agent, or in any way they may think best, and may deposit the proceeds in the bank of Christiansburg, subject to their order, and may pay to the county treasurer such sums from time to time that they may deem expedient until the whole of the present indebtedness of the county is liquidated: provided that said board shall not sell or otherwise dispose of any of said bonds at less than their par value.

5. It shall not be lawful for the board of supervisors of Montgomery county to use the money, or any part of the same arising from the sale or disposal of said bonds, except in the payment of such debts or debt as are due and payable by the county of Montgomery at the date of the passage of this act.

6. This act shall be in force from its passage.

CHAP. 605.—An ACT to incorporate Woodlawn male and female academy.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That W. K. Early, Thomas M. Dobyns, James N. Dobyns,

C. D. Dobyns, J. J. Dobyns, H. Burnett, J. W. Montgomery, S. M. Robinson, S. G. Robinson, G. M. Ivie, H. H. Beamer, William M. Houseman, E. L. Williams, and J. W. Dobyns, and their successors, be, and they are hereby, constituted a body politic and corporate under the name and style of the trustees of Woodlawn male and female academy, and by that name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded in any court of law or equity having jurisdiction thereof, and shall be capable in law to receive, hold, and dispose of real and personal property, to an amount not exceeding five thousand dollars, to carry out the purposes of their incorporation.

2. The board of trustees shall consist of twelve members, a majority of whom shall have power to appoint a principal and assistants for said academy and such other officers as they may deem proper, and to fix their salaries, which principal may, with the advice and consent of the trustees, establish and regulate the course and mode of education and instruction to be pursued in said academy, and to adopt such legal rules and regulations as may be deemed proper and expedient for the good government of the institution. The trustees shall have power to elect annually a president of their body, a secretary and a treasurer, and such other officers as they may deem proper.

3. The said trustees shall have power, by themselves or their agents, to take and receive subscriptions for the said academy, which subscriptions shall be divided into shares or stocks of twenty-five dollars each, and to enforce the payment thereof, either by warrant before a justice, or by motion or suit in any court of record having jurisdiction according to the amount claimed.

4. The said trustees shall, as soon as practicable, elect their officers, and the president of the board shall, immediately after his election, issue and deliver to each of the shareholders of said academy a certificate showing the number of shares or stocks owned by them, which certificates shall be assignable according to the law governing the assignment of bonds and promissory notes.

5. The board of trustees, in connection with the principal of the academy and his assistants, shall have power to confer such diplomas, certificates of scholarships, and literary titles as they may think best to promote the cause of education.

6. The board may also adopt such by-laws, rules, and regulations for their government as may be deemed expedient: provided they are not contrary to any provision or provisions of this act.

7. If, at any time the said academy should be abandoned or ceased to be used for the purposes intended by this act, then said academy property, real and personal, shall

be sold at public auction after reasonable notice by the trustees, and the proceeds of said sale shall be paid to the shareholders in proportion to the amount of their subscriptions.

8. This act shall be in force from its passage.

CHAP. 606.—An ACT for opening, working and keeping in order the public roads and for building and repairing public bridges in the county of Accomac.

Approved March 2, 1892.

1. Be it enacted by the general assembly of Virginia, That all public roads in the county of Accomac shall be opened, worked, improved, and kept in order, and new public landings established, and public bridges built and repaired, in the manner following, to-wit:

2. Commissioners of roads; their appointment, qualification and term of office.—The county court of said county shall, at the April term thereof in the year eighteen hundred and ninety-two, and at the same term in every second year thereafter, and the said court, or judge thereof in vacation, within thirty days from the time any vacancy arises, appoint a commissioner of roads for each of the magisterial districts of said county, to hold office for the term of two years from the first day of July next succeeding his appointment, and afterwards until his successor has been appointed and duly qualified. Each of said commissioners shall, within thirty days from the date of his appointment, before the said court, or the judge thereof in vacation, qualify by taking and subscribing the several oaths prescribed by law to be taken by every person before entering upon the discharge of any function as an officer of this state, and by entering into bond in such penalty, not less than one thousand dollars, as may be required by said court or judge, with satisfactory security thereto, made payable to the commonwealth of Virginia, and conditioned for the faithful discharge by said commissioner of the duties of his office. For all breaches of the condition of said bond, and for any neglect or dereliction of duty on the part of said commissioner, suit may be prosecuted upon said bond in the name of the commonwealth, for the benefit of the magisterial district for which the said commissioner was appointed, and the recovery in any such suit shall inure to the road funds of the said magisterial district. When any commissioner qualifies before the judge of said court in vacation, it shall be the duty of said judge to return a certificate of such qualification, together with the bond executed by the commissioner, to the clerk of said court for record in his office.

3. Their duties.—Each of said commissioners shall, as soon as possible after his qualification, proceed to divide the public roads in his district into the following number of road precincts, to be as compact in form as the circumstances will permit, and numbered consecutively, to-wit: one for the islands; two for the district of Atlantic; eight for the district of Metompinkin; eight for the district of Lee; and eight for the district of Pungoteague. If any public road forms the line between two magisterial districts, or any public bridge is located on said line, the commissioner of either of said districts, if they cannot agree as to how said road shall be apportioned between the two districts, or which of said districts shall bear the expense of keeping said bridge in repair, after ten days' notice to the other, may make application to the county court of said county to have said road divided between said districts, and the cost of keeping up and repairing said bridge placed upon one of said districts; and, upon such application, the court shall enter an order assigning said road, or such part thereof as it may deem best, to either of said districts, and shall determine by which of said districts said bridge shall be kept up and repaired. Each commissioner shall, on or before the first day of July next after his appointment, return to said court a report of the division of his district into road precincts as aforesaid, which shall be recorded on the order-book of said court. The road precincts may be changed and rearranged by the commissioner not oftener than once in two years; but all changes and rearrangements shall be made and reported to the court on or before the first day of July next thereafter, and shall take effect from and after that day.

4. Commissioners to recommend surveyors.—Each commissioner shall, at the June term of the court of said county, in the year eighteen hundred and ninety-two, and at the same term every two years thereafter, and within ten days after any vacancy, recommend to said court, of those subject to road duty, three proper, suitable and efficient persons for road surveyor in each road precinct, one of whom the court shall appoint; and if any commissioner fails, at the time above specified, to make said recommendations, the court or judge thereof in vacation shall proceed to make the appointment. When directed by the court, the commissioner shall view the proposed route for any new road, or the land upon which a public landing is proposed to be established, which may be applied for, or in cases where a public bridge is to be built or repaired, and the cost of the same will amount to more than twenty dollars, or in cases where a public road is proposed to be widened or straightened, or any drain for the draining of a public road is to be cut through the adjacent lands of others, and shall report the necessity, if any, for such

new road, landing, bridge, widening or straightening said road, the manner in which the same shall be opened, established, built, repaired, widened, straightened or cut, the material to be used, the work required, and the estimated cost; and, if the same shall be directed by the court, he shall superintend the opening of such road, the establishing of said landing, the building or repairing of such bridge, the widening or straightening of said road, the cutting of said drain, and shall direct and approve all the expenditures made.

5. Width of road.—Every road shall be thirty feet wide, unless the county court order a different width.

6. New road or landing, or widening or straightening road.—When any person applies to the court of said county to have a road or landing therein established or altered, or a road widened or straightened, the court shall, and whenever, without such application, it sees cause for so doing, the court may direct the commissioner of the district in which said proposed road or landing is, or in which the road proposed to be widened or straightened is, to view the ground and report to the court the conveniences and inconveniences that will result as well to individuals as the public, if such road or landing shall be as proposed, and especially whether any yard, garden, orchard or any part thereof, will in such case have to be taken; and in the case of opening a road, the said commissioner shall also ascertain and report to court whether the said road will be one of such mere private convenience as to make it proper that it should be opened and kept in order by the person or persons for whose convenience it is desired; and in the case of widening a road, the said commissioner shall also ascertain and report whether said road has been encroached upon by the adjacent land-owners; and if so, to what extent, and by whom.

7. What facts commissioner to report; diagram of route to be returned.—The commissioner acting under the preceding section shall particularly report the facts and circumstances, in his opinion, useful in enabling the court to determine the expediency of establishing or altering the road or landing, or widening or straightening the road. He may examine other routes than that proposed for any road and report in favor of the one he prefers, with his reasons for the preference. He shall report the names of the land-owners on such route, the quantity of land proposed to be taken, and state which of them requires compensation, the probable amount, in the opinion of this commissioner, to which such party may be entitled, and any other matter which he may deem pertinent. A map, or diagram of such route shall be returned with his report. The commissioner may employ a surveyor if he deems it necessary.

8. Proceedings on report; notice to proprietors and tenants.—Upon the report in this case where the application was for establishing or altering a road or landing, or straightening the road, and also where the application was for widening the road, and the report of the commissioner shows that the road is too narrow, but not by reason of the encroachments by the adjacent land-owners, unless the opinion of the court be against establishing or altering the road or landing, or widening the road, it shall award process to summon the proprietors and tenants of the lands which it is proposed to take, to show cause against the same. The summons shall be directed, executed, and returned as a summons may be in other cases, except that it may be personally served in the county on any agent of any proprietor not within the same, and such service shall be equivalent to service on such proprietor, and if any proprietor reside out of this state and be not within the county or have no agent known to the court residing therein, or if the true owners or proprietors of the lands, or any part thereof be not known to the court, the court may order notices to all whom it may concern to be published for four successive weeks in some newspaper of general circulation, or posted at the front door of the court-house of the county on some court-day to appear and show cause against establishing or altering the road or landing, or widening or straightening the road, as the case may be. The cost of such publication shall not exceed the cost of publishing an order under section thirty-two hundred and thirty-five of the code of Virginia, and shall be paid by the county. Personal service of said summons on a non-resident, and return thereof may be in the mode and with the effect prescribed by section thirty-two hundred and thirty-two of the code of Virginia.

9. Defence allowed; what court may do.—Upon the return of the said process, duly executed, defence may be made to the said proceedings by any party; and the court may hear testimony touching the expediency or propriety of establishing or altering the road or landing, or widening or straightening the road. Upon such hearing, unless the court be of opinion that the road or landing ought not to be established, or road widened or straightened, in which case it shall so order, if it has enough before it to fix upon a just compensation to the proprietors and tenants, and they are willing to accept what it deems just, the court may determine the matter without further proceedings, and establish or alter the road or landing and with or without gates as it may seem proper, or widen or straighten the road.

10. Appointment of commissioners to assess damages.—But if any tenant or proprietor desire it, or if the court see cause for so doing, it shall appoint five disinterested resi-

dent freeholders of the county as commissioners (any three of whom may act) for the purpose of ascertaining a just compensation for the land to be used for such road or landing, or proposed to be taken for widening or straightening such road. They shall meet on the lands of such proprietors and tenants as may be named in the order of court, at a certain place and day therein also specified, of which notice shall be given by the sheriff to such proprietors and tenants, or their agents, except only that it need not be given to one present at the time of making the order. Any one or more of the commissioners attending on the land as aforesaid may adjourn from time to time until the business shall be finished. The commissioners, in the discharge of their duties, shall comply in all respects with the provisions of sections ten hundred and seventy-seven and ten hundred and seventy-eight of the code of Virginia, and forthwith make return of their report and the certificate of the justice to the court of the county; and, unless good cause be shown against the report, the same shall be confirmed. If, however, good cause be shown against the same, or the commissioners report their disagreement, or fail to report within a reasonable time, the court, as often as seems to it proper, may appoint other commissioners for the purpose of ascertaining the compensation aforesaid. When any report is confirmed the court shall widen or straighten the road, or establish or alter the road or landing, as the case may be, and with or without gates as to it may seem proper.

11. When proprietors, and so forth, to pay costs.—When the record shows that the sum allowed by the commissioners as compensation to any proprietor or tenant is not more than the court before making the order appointing such commissioners had consented to allow him, such proprietor or tenant shall be adjudged to pay the costs occasioned by such order.

12. Area for landing; where road or landing not to be located.—Not more than one acre of land shall be condemned for any landing; and no road or landing shall be established upon or through any lot in a town without the consent of the proprietor thereof, or through the lands of any cemetery, or through the lands of any seminary of learning without the consent of the owners thereof, or the corporate authorities.

13. In what cases county to pay costs and damages.—When the road or landing is established or altered, or road straightened, or road widened (but not on account of encroachments by the adjacent land-owners) the county shall be chargeable with the compensation to the proprietors or tenants, with such costs as the court may allow the applicant, and the costs of the commission, excepting the case mentioned in section eleven: provided, however, that

when it shall appear to the court that the opening and establishing or altering of such road will be for mere private convenience, then the court may order the same upon the condition that such applicant pay, in whole or in part, the compensation to the proprietors or tenants, and the costs of the proceeding, and keep said road in order; but the said road shall not be opened and established or altered until such compensation and costs shall have been first paid, or the written consent of the proprietors or tenants given.

14. When, by report of the commissioner under section six of this act, it appears to the court that a road is too narrow by reason of encroachments by adjacent land-owners, it shall award process to summon the adjacent proprietors and tenants who, according to said report, have encroached upon the same, to show cause why said report should not be confirmed. The summons shall be directed, executed and returned in the same manner as in section eight of this act. Upon the return of the said process duly executed defence may be made by any party; and, if the court be of opinion that said report ought to be confirmed, it shall order the commissioner to require the proprietor or tenant to remove all fences or other obstructions from within the limits of said road; and if, after reasonable notice, such person refuse or fail to remove his fence or other obstruction, the same shall be moved by the surveyor of the road precinct at the cost of the offender.

15. Draining county road, and when a portion of cost to be paid by land-owners.—When, for the proper draining of a county road, it is necessary to open a ditch or drain through the lands of individuals adjacent thereto, or to deepen or clean out a ditch or drain already opened, the commissioner of roads for the district in which said ditch or drain is to be located, or already is, shall view the lands through which it is to be opened, deepened or cleaned, and report to the county court the necessity therefor, the location of the same, the size thereof, the manner in which it should be opened, the probable cost, and the advantage, if any, the same will be to the adjacent lands, and determine how much of said costs should be borne by the county, and how much by each of the proprietors and tenants of the lands through which said ditch or drain shall pass. Five days' previous notice of the time and place of such view and examination shall be given by said commissioner to such of said proprietors and tenants. Upon the filing of the report of the commissioner, any tenant or proprietor, or any other person interested, who may feel aggrieved by the action of the commissioner, may except thereto. The court shall proceed to consider the said report and exceptions thereto, and all evidence which may be produced, and make such order therein as it deems proper, and give

judgment against the proprietors and tenants for such sums as may be assessed against them in the report, or which the court may consider just to charge upon them; and may enforce the judgment by execution for such sums and the costs attending the proceeding. All sums thus collected shall be expended by the commissioner of roads of the district, or the surveyor of the precinct, in opening, deepening or cleaning the ditch or drain.

16. When the court decides in favor of establishing or altering any road or landing, or widening or straightening any road, or building or repairing any bridge, where the cost of the same will exceed twenty dollars, the court may either direct the commissioner of the district to have said work done or the county court may contract therefor, and to this end appoint the commissioner of the district to receive proposals.

17. Notices for proposals.—The commissioner to receive proposals for any work, shall publish notices in a newspaper for four successive weeks, or at the front door of the court-house on a court-day, and at three or more public places in the neighborhood where the work is to be done, that proposals for such work will be received in writing on the first day of the next court, or on such subsequent day as may be mentioned in the notice. The notice shall describe the work to be done and require such specifications to be made in the proposals as the commissioner may determine on.

18. Action of court on report of commissioner.—The court in its order appointing a commissioner to receive proposals may, in its discretion, either direct the commissioner to determine whether any, and if any, which of the said proposals he shall accept; and if the proposals of any person be accepted, to reduce to writing a contract between the county and such person; or the said court may in its said order direct that the proposals be returned to the court, which shall determine whether any, and if any, which of the said proposals shall be accepted; and if the proposals of any person be accepted, the court shall direct the commissioner to reduce to writing a contract between the county and such person.

19. Contract and bond to be executed and returned to court.—The commissioner shall report to the court every such contract, signed by the person with whom it is made, and, after an order shall be made by the court ratifying such contract, the same shall be binding upon the contractor and the county, so soon as the contractor gives bond, with sufficient sureties, to be approved by the court, and in a penalty at least double the amount which he is to receive under the contract, payable to the county, with condition for the faithful performance of such contract. Such bond shall be taken by the commissioner and returned to the

court. If approved by the court, the fact shall be entered of record, and the bond and contract shall remain filed in the clerk's office. The commissioner shall superintend the work contracted for and make report to the court when he considers that it has been completed according to the contract.

20. No commissioner to be contractor.—No commissioner shall become an undertaker for the work either directly or indirectly.

21. How contractor paid.—When, upon the report of the commissioner, and any evidence adduced for or against it, the court is of opinion that the work has been done according to contract, it shall order the county treasurer to pay, to the contractor, out of the road tax, the money which he is entitled to receive under his contract.

22. Allowance to surveyor and chain carriers.—The court shall allow a reasonable compensation to the surveyor and chain carriers not exceeding three dollars per day to the surveyor, and one dollar per day to each chain carrier, when the employment of such carriers is deemed necessary, to be paid by the county.

23. When and what costs to be paid by the applicant.—When the court decides against the application to establish or alter a road or landing, or to widen or straighten a road, the applicant shall pay the costs incurred in the case, except the compensation to the surveyor and chain-carriers, and except such costs as may be payable by any proprietor or tenant under section eleven of this act, and the court may enforce payment thereof: provided, however, that if the commissioner of the district is the applicant, he shall not be liable for any costs, whether said application is granted or refused by the court.

24. Effect of alteration of roads; proceedings to discontinue roads.—When any road is altered it shall be discontinued to the extent of such alteration, and no further. The commissioner of the district, or any other person, may apply to have a road or landing discontinued after posting notice of the intended application on the first day of a term of the county court, at the front door of the courthouse and at two public places in the neighborhood. The court, at the next term after that at which notice may have been so published, shall enter an order requiring the commissioner of the district to view such road or landing and report, in writing, whether in his opinion any, and if any, what inconvenience would result from discontinuing the same. Upon the said report, and other evidence, if any, the court may discontinue such road or landing; taking care, in every case of an established post road, not to discontinue the same until another has been substituted; and if the court decides against said application, the same rule as to costs shall apply as in the preceding section.

25. Erection of gates.—Application may be made to the county court of said county to permit gates to be erected across any road therein; and a notice of such application shall be forthwith posted at the front door of the courthouse, and at two public places near where the gates are proposed to be erected. If it appears at the next term that the notice has been duly posted at least twenty days, the court may, upon evidence, if any, permit such erection. But the gates erected shall be discontinued whenever the court may so direct, after like notice of twenty days.

26. Discontinuance of gates.—If it be suggested by any citizen of said county to the court of said county that injury or inconvenience results from such gate, the court shall cause the owner of such gate to appear at the next term and show cause why the same should not be discontinued, and upon the return of such process “executed,” shall determine whether there ought to be such discontinuance or not. If the court adjudge that the gate shall be removed, the surveyor of the road precinct shall remove the same at such time as the court may order; but such person shall have the right of appeal to the circuit court. Whenever a road is established with gates, and the gates are removed as ordered, and damages are claimed by the party owning the same, the court shall direct the commissioner of the district to examine and report upon the nature and extent of the damage caused by the removal, and upon his report, and other evidence, if any, the court may allow such damages as may appear to be proper, which shall be chargeable to the county.

27. Duty of owner or occupier of dam to maintain road or bridge.—Every owner or occupier of a dam shall, so far as a road passes over the same, keep such dam in good order, at least twelve feet wide at the top, and also keep in good order a bridge of like width over the pier-head, flood-gates, or any waste cut through or around the dam, and shall erect and keep in good order a strong railing on both sides of such bridge or dam, unless such railing be dispensed with by the county court. If he fail to comply with this section, he shall be fined two dollars for every failure of twenty-four hours, but the fine shall not, in any case, exceed fifty dollars; and when a mill-dam is carried away or destroyed, the owner or occupier thereof shall not be thenceforth subject to such fine until one month after the mill shall have been put into operation.

28. What use of bridges forbidden.—No person shall use any county bridge as a wharf from which to load or unload any vessel or boat, nor as a place of deposit for any property, nor for any other purpose except for crossing. Nor shall the master or owner of any vessel make fast the same to or lay the same alongside such bridge. Any per-

son violating this section shall be fined not less than five nor more than twenty dollars, to the use of the county.

29. Erection and abatement of wharves, piers, and bulk-heads.—Any person owning land upon a water course may erect a wharf on the same, or pier or bulk-head in such water course opposite his land: provided the navigation be not obstructed, nor the private rights of any person be otherwise injured thereby. But the court of the county, after causing ten days' notice to be given to the owner thereof of its intention to consider the subject, if it be satisfied that such wharf, pier, or bulk-head obstructs the navigation of the water course, or so encroaches on any public landing as to prevent the free use thereof, may abate the same.

30. Erection of wharves at county landings.—Any person desiring the privilege of erecting a wharf at or on any county landing may, after giving notice of his intention by advertising such notice at some public place near the landing, and also at the front door of the court-house, on the first day of a term of the county court, present to the court at its next term a petition for such privilege. The court may consider the same, and may, in its discretion, grant such privilege and fix such rates and charges upon such conditions and limitations as to it may seem fit. But the court, at any subsequent term, may, if it think proper, revoke such privilege, or alter such conditions and limitations, or regulate the rates and charges. This section shall not be construed to authorize the county court to grant the privilege of erecting a wharf within an incorporated town.

31. Road surveyors, their appointment and duties.—There shall be appointed by the county court, upon the recommendation of the commissioner of the district, as provided in section four of this act, one surveyor for each road precinct, subject to road duty therein, who shall hold his office for two years from the first day of July next succeeding his appointment, and afterwards until his successor is appointed and duly qualifies. Each of said surveyors shall, within thirty days from the date of his appointment, before the said court, or the judge thereof in vacation, qualify by taking and subscribing the several oaths prescribed by law to be taken by every person before entering upon the discharge of any function as an officer of this state, and by entering bond, in such penalty, not less than five hundred dollars, as may be required by said court or judge, with satisfactory security thereto, made payable to the commonwealth of Virginia, and conditioned for the faithful discharge by said surveyor of the duties of his office. For all breaches of the condition of the said bond, and for any neglect or dereliction of duty on the part of said surveyor, suit may be prosecuted upon said bond

in the name of the commonwealth for the benefit of the magisterial district to which said surveyor's road belongs, and the recovery in any such suit shall inure to the road fund of said district. Whenever any surveyor qualifies before the judge of said court in vacation, it shall be the duty of said judge to return a certificate of such qualification, together with the bond executed by the surveyor, to the clerk of said court for record in his office.

32. Duties of surveyor.—Every such surveyor shall superintend the roads in his precinct; cause the same to be kept cleared of obstructions, of necessary width, secure from the falling of dead timber therein, well drained, and otherwise in good order; and in working or draining the same, he shall, where practicable, raise the road-bed in the centre so as to cause the water to run off to each side. He shall cause to be placed and kept, at the fork or crossing of every road, a sign-board, on which shall be stated in plain letters the most noted place to which each road leads, and across every stream, where it is necessary and practicable, a sufficient bridge, bench or log for the accommodation of foot passengers. Where any more important bridge or causeway is necessary, it shall be made twelve feet broad at the least, and safe and convenient. Every bridge and causeway in his precinct shall be kept by him in as good order as the means in his power will permit; and for all these purposes he shall have power, and it shall be his duty, to enroll all persons liable to road service, who are not exempt by section thirty-five of this act, and who shall have resided ten days within the boundary from which his hands are allotted.

33. Materials for roads and bridges, how provided.—The surveyor of any precinct may take from any convenient lands so much wood, gravel or earth, as may be necessary to be used in constructing or repairing any road, bridge, or causeway therein: provided such wood and other articles be not taken from any lot in a town, yard or garden, without the consent of the owner.

34. Compensation to the owner in such case.—If the owner or tenant of any such land shall think himself injured thereby, a justice, upon application to him, shall issue a warrant to three freeholders requiring them to view said lands and ascertain what is a just compensation to such owner or tenant for the damages to him by reason of anything done under the preceding section. The said freeholders, after being sworn, shall accordingly ascertain such compensation, and report the same to the commissioner of the district. Said commissioner may allow the full amount reported by said freeholders, or so much thereof, as upon investigation he may deem reasonable, subject to such owner or tenant's right of appeal to the county court; and said commissioner shall draw a warrant on the coun-

ty treasurer, payable out of the district road fund, for the amount finally ascertained to be due for such damages.

35. Schedule of prices for teams and implements.—The boards of supervisors shall, from time to time, fix the prices allowed for the use of teams and other implements on public roads, and prepare a schedule thereof, a copy of which shall be delivered to each surveyor by the clerk: provided that no price be allowed for the use of any implement, the market value of which does not exceed one dollar. Upon application by the surveyor, such tools as may be necessary to keep his road in order may be furnished him by the commissioner of the district. The commissioner shall take a receipt from the surveyor for the tools furnished him; and shall see that said tools are delivered by the surveyor to his successor in office.

36. Who to work public roads.—All male persons in said county shall be compelled under the supervision and direction of the surveyor of their respective precincts, or his deputy or agent, to work not exceeding two days in every year upon some public road in their respective precincts, not more than five miles from their place of residence, with the following exceptions, namely: ministers of the gospel, persons under eighteen and over sixty years of age, persons that reside in a town that keeps its streets in order, and any person who has lost an arm or a leg. Any person who is otherwise disabled, may be exempted by the county court; but any such person may commute the labor required of him in any year by paying the surveyor of his precinct one dollar and fifty cents on or before the first day of August; and it shall be the duty of every road surveyor to post a copy of this section at three or more public or conspicuous places in his road precinct on or before the fifteenth day of July in every year. Any surveyor may work the whole, or any number of hands, as he deems best: provided, however, that not less than three hands shall be worked at one time.

37. To work when notified; fine for failure; how fine collected.—Every person required to work on the public roads, who has not commuted his road labor, shall, either in person or by a sufficient substitute, when notified by the proper surveyor one day previous to the day appointed by him for working the road, attend with proper tools and do such work as the surveyor may direct. For every day on which there may be a failure, a fine of seventy-five cents shall be paid to the surveyor by the person in default if of full age, or if an infant, by his parent or guardian. It shall be the duty of the surveyor to collect said fine, and he shall have the right to distrain therefor, or otherwise collect the same in the mode prescribed for the collection of taxes and county levies: provided, however, that such delinquent may, after notice to such surveyor, apply to the

county court, or judge thereof in vacation, or to the supervisor of his district, and, for good cause shown, have said fines released or remitted.

38. How fines and commutations expended.—The surveyor shall have the right to expend all fines and commutations in employing labor and hiring team and implements to put his road in good condition.

39. A day's work.—A day's work, wherever mentioned in this act, shall be ten hours.

40. Repair of minor bridges.—When a surveyor finds it necessary to build or repair a bridge where the expenditure will not exceed twenty dollars, he shall make application to the commissioner of roads for his district for authority to purchase such material as may be necessary to build or repair the same; and such commissioner, by an order under his hand, may authorize him to expend such amount as to him shall seem proper for such purpose, and shall direct what kind of material shall be used.

41. Reports of surveyors.—Every surveyor shall make quarterly reports, under oath, to the commissioner of his district of all moneys collected, whether consisting of fines or commutations of road labor, from whom, and the date when received; all expenditures, when and to whom made, and return vouchers therefor; the number of days he worked his road during the quarter; how many hands he employed each day, and whether they were hired or persons liable to road duty; also the names of those failing to work when duly notified, and what steps were taken by him to collect the fines from said delinquents, and from whom he was unable to collect said fines. Also he shall make an estimate of what expenditures will be required on his road, and suggest how they shall be made.

42. Warrants for bridges.—Whenever it appears from the surveyor's report that he has built or repaired a bridge that was previously ordered by the commissioner, and that the bridge was built or repaired in accordance with said order, the commissioner shall draw a warrant on the county treasurer, payable out of the district fund, in favor of such persons and for such sums as said surveyor's report may show to be due.

43. Reports of commissioners of roads.—Each commissioner of roads shall examine the roads in his district at least once in every three months, and make a quarterly report to the county court of the condition of each road precinct, the work done in the same, and all delinquencies or cases of neglect by surveyors, which report shall be sworn to by the commissioner. In the last quarterly report in each year, the commissioner shall also include an account of all moneys expended during the year, whether by the surveyors of his district or himself, and all work done; also make an estimate of the necessary amount re-

quired for the coming year, the work which will be required, and suggest as to the best mode for working and improving the roads.

44. Derelictions of duty on part of surveyors.—Whenever it appears from the report of the commissioner of roads, or the sworn complaint of any citizen of the county, that the surveyor of any precinct does not keep his road in proper order, or is guilty of any dereliction in the discharge of his duties, it shall be the duty of the attorney for the commonwealth of the county to file in the county court an information against the said surveyor, or prefer to the next grand jury an indictment based on said report or complaint; and the court shall award against said surveyor a summons to answer said information or indictment, as the case may be; and shall proceed to try said information or indictment, and if the jury find him guilty, they shall impose a fine upon him, not less than five nor more than thirty dollars. The failure to pay any fine so imposed shall be deemed a breach of the condition of the bond executed by the surveyor on his qualification. All such fines collected from a surveyor shall be expended upon the roads in his precinct, and all the sums recovered on the bond of a commissioner of roads for dereliction of duty shall go into the fund of the district of which he was commissioner.

45. Removal from office of commissioner and surveyor.—Commissioners of roads and surveyors of roads shall be liable to be removed from office by the county court for malfeasance, misfeasance, incompetency or gross neglect of official duty; and any person, after being surveyor for two years, may give up his office, if his road be in good order, and shall not, within two years thereafter, be appointed surveyor without his consent. All proceedings under this section shall be by order of, or on motion before, said court, upon reasonable notice to the officer to be affected thereby; and such officer shall have the right to demand a trial by jury.

46. Commissioners of roads to submit an estimate to board of supervisors.—Each commissioner of roads shall, ten days before the annual meeting of the board of supervisors, submit to said board an estimate of the amount in his opinion necessary to be expended on the roads in his district for the ensuing year; and in said estimate shall distinguish between the amount necessary to be expended in establishing or altering roads or landings and widening or straightening roads, and building and repairing bridges where the probable expenditure will exceed twenty dollars; and the amount necessary to be expended in working and draining the roads, and building and repairing bridges where the probable expenditure will be less than twenty dollars.

47. Levy by the board of supervisors.—The board of supervisors shall, at their annual meeting, levy upon the assessed property of each magisterial district an amount sufficient for working and draining the roads in that district, and for building and repairing the bridges of the same in all cases where the probable expenditure will not exceed twenty dollars, and shall levy upon the assessed property of the county at large an amount sufficient for establishing or altering roads or landings, widening or straightening roads, and building and repairing bridges where the probable expenditure will exceed twenty dollars; but that the levy in both cases shall not exceed fifteen cents on the one hundred dollars of the assessed value in any district; which levy is to be applied to no other purpose, and shall be extended on the books of the commissioner of the revenue by the designation of "road tax."

48. Apportionment of the levy made for working the roads, et cetera.—The amount realized from the levy made in each magisterial district for working and draining the roads, and building and repairing bridges where the probable expenditure will not exceed twenty dollars, shall be apportioned by the commissioner of roads for that district amongst the several road precincts in said district, according to their respective needs and requirements, taking into consideration the character of said roads and the difficulty and expense of keeping them in order, and the means, other than the levy, under the control of the surveyor.

49. Appeal from commissioner's apportionment.—From the commissioner's apportionment the surveyor of the precinct or any ten of the persons required to work the same, may appeal to the board of supervisors, who shall, at their next meeting, hear and decide the same. The commissioner shall file with the clerk of the said board a copy of his apportionment within ten days after the same is made.

50. Compensation of commissioner of roads. — Each commissioner of roads shall receive as compensation three dollars per day for the time actually and necessarily employed in performing the several duties required of him under this act; but not to exceed thirty dollars in the district of the Islands, nor one hundred dollars in each of the other districts in any one year.

51. Compensation of surveyors.—Each surveyor of roads shall receive as compensation two dollars per day for time actually and necessarily employed on his road, but not to exceed fifty dollars in any one year; and also five per centum commission on all fines or commutations received, and on all moneys disbursed.

52. All acts or parts of acts inconsistent with this act are hereby repealed.

53. This act shall be in force from its adoption by the board of supervisors of said county.

CHAP. 607.—An ACT for the distribution, among those entitled, of the direct tax money donated by the United States Government.

Approved March 3, 1862.

1. Be it enacted by the general assembly of Virginia, That all moneys received by the governor of Virginia under the provisions of an act of the congress of the United States, approved March second, eighteen hundred and ninety-one, and entitled "an act to credit and pay to the several states and territories, and to the District of Columbia, all moneys collected under the direct tax levied by the act of congress, approved August fifth, eighteen hundred and sixty-one, shall be by the governor deposited in one or more of the banks in the state, designated as state depositories, upon such terms in regard to the payment of interest thereon, as he may deem advantageous, or such fund may be invested in interest-bearing United States bonds, if he shall deem it advisable so to do; and such deposits or investments shall be made by the governor through the treasurer of the state acting under his order; and all such deposits or investments shall be special ones in trust for the benefit of the persons or inhabitants of the state from whom said taxes were collected, and their legal representatives, as provided in said act of congress, and an account of the same shall be kept separate and distinct from all other moneys of the state; and such deposits or investments may be from time to time called in and changed by the governor acting through the treasurer as aforesaid; and the net moneys so deposited or invested, and the interest accruing thereon shall be paid out upon the warrant or check of the governor, by warrant upon the auditor of public accounts, countersigned by the treasurer. And it shall be the duty of the treasurer to countersign and keep an account of all such checks and warrants issued by the governor.

2. The governor shall cause abstracts or copies to be made in duplicate of the tax-lists from the treasury or other proper department in Washington, which said abstracts or lists shall be by counties, and an abstract or list for each county in which any of said tax was collected, shall be lodged with the clerk of the county court of such county as a part of the records of his office. And in

case that it shall appear that a copy of any such list or abstract should be lodged as aforesaid in the clerk's office of the corporation or hustings court of any city, the governor shall cause the same to be made and lodged as aforesaid in such office. And he shall appoint or employ, or cause to be employed, such clerks or agents as may be necessary for the making of said copies or abstracts, and for the proper execution of the trusts therein imposed, and all the expenses of the same, and of executing the trusts imposed by said act of congress shall be paid out of the fund.

3. When such copies or abstracts shall have been lodged in the clerk's office aforesaid, it shall be the duty of the governor to make an apportionment of the net amount of said funds (after deducting expenses) among those counties or cities, from the inhabitants or land-owners of which said tax was collected, and pay over the amount so apportioned to the treasurers or commissioners of such counties and cities, in proportion to the amount of said tax which such lists shall show was actually collected on account of the lands in each county and city; or the governor may pay over the same to a commissioner who may be appointed by him for any county or city: provided that as to the counties of Alexandria, Henrico, Campbell, Norfolk, Chesterfield and Dinwiddie such net amount may, at the discretion of the governor, be paid over to the treasurer of the principal city located in such county, or to a commissioner; and the governor shall also cause to be made and transmitted to every such treasurer or commissioner, at the expense of the fund, a copy of the list or abstract aforesaid for his county or city; but before any such treasurer or commissioner shall be authorized to receive such lists or such pro rata share of his county or city, he shall execute his bond with good personal security, in a penalty equal to at least double the amount to be received by him, payable to the commonwealth of Virginia, and conditioned for the faithful performance of his duties under this act; and such bonds shall be executed before, and approved by, the county or corporation court of such city or county, or judge thereof in vacation, and recorded in the clerk's office of such court, and an official copy thereof forwarded to the governor. Failure by any such commissioner or treasurer for thirty days after his appointment to give such bond shall vacate his authority under this act.

4. When a commissioner shall be appointed for a county or city, he shall be styled the commissioner of direct taxes for such county or city, and shall take the usual oath of office prescribed by law.

5. It shall be the duty of every such treasurer and commissioner, immediately upon the receipt by him of the fund and list aforesaid for his county or city from the

governor, to post a notice at every voting place in his county or city of his readiness to distribute the amount received by him on account of said tax among those entitled; and on application made by a person who has paid such tax, or by the personal representative of such person if he be dead, or his committee if he be insane, such treasurer or commissioner shall pay over to such person or his personal representative or committee the pro rata share (less expenses) of the fund to which such person or his personal representative or committee may be shown to be entitled by the copies and list filed in the clerk's office as aforesaid, after deducting his share of a commission of five per centum upon the fund disbursed by the treasurer or commissioner, which shall be in full of his compensation for service and expenses under this act.

6. In case where it shall appear that one person owned the land upon which said direct tax was levied at the time such tax was paid, but some other person paid the tax, it shall be presumed prima facie that the land owner, or his representative, or his committee, is entitled to have said tax refunded to him unless the person making the payment as aforesaid, his representative or committee, shall make it appear that he is entitled to have the said tax refunded to him. No payment shall be made by any treasurer or commissioner on account of a claim not embraced in said lists filed as aforesaid, in the clerk's office, but it shall be the duty of said treasurer or commissioner to make a list of all persons and amounts paid by them on the said direct tax, whose names do not appear on said lists, and who produce the receipts of collecting officers, or prove by other evidence that they have paid said tax, which list or a copy thereof shall be transmitted semi-annually to the auditor of public accounts who shall, and is hereby, directed to tabulate such lists and report the same to the governor.

7. Where said lists show that the person making the application to have such taxes refunded, paid said tax, and was at that time the owner of the land on which it was levied, the treasurer or commissioner shall pay to such person his pro rata share at once; but in all other cases, as when application is made by representative or committee, or where one person appears to have owned the land and another person to have paid the tax, such application shall be listed by the treasurer or commissioner, and the same shall lie over for thirty days to give opportunity for other claimants to intervene, and at the end of such thirty days the amount claimed shall be paid out to the party who shall appear to be properly entitled. If, from conflicting claims or any other cause, the treasurer or commissioner be unable in any case to determine to whom the money should be paid, he may, upon giving at

least ten days' notice, in writing, to the parties interested or making claim, or such of them as may be found in the county or city, apply by motion to the county or corporation court of his county or city, or any of the claimants may, upon like notice given to any adverse party and the treasurer or commissioner, make such application and motion, and the court, upon such evidence as may be adduced, shall determine and adjudge what disposition shall be made of the fund in dispute, and shall make such order in regard to costs as may be proper.

8. If any treasurer or commissioner fail or refuse to pay to any person such moneys as he may be entitled to under this act, the same shall be recoverable on motion in the court aforesaid against the treasurer or commissioner and his sureties after ten days' notice, with costs and interest, and no commissions shall be allowed to any officer on any amount for which judgment may be given against him under this section.

9. On the first day of January and July in each year every such treasurer and commissioner shall make out an account showing all disbursements by him and all claims allowed, and also a statement of all claims filed with him hereunder during the preceding six months, and the balance of said fund remaining in his hands, and shall submit the same, with proper vouchers, to the commissioner of accounts of his county or corporation, who shall examine the same, and, if correct, certify it, and such account and statement of claims filed shall be transmitted to the governor by such treasurer or commissioner, and a copy thereof also filed in the clerk's office aforesaid, and the expense of auditing and filing such accounts shall be paid by the treasurer or commissioner out of his commissions. Such accounts shall be so audited and filed until the first day of January, eighteen hundred and ninety-seven, and on the second day of March, eighteen hundred and ninety-seven, there shall be a final settlement of the accounts of every such treasurer and commissioner, which final settlement shall be made and filed as aforesaid; and the balance left in the hands of such treasurer or commissioner on that day shall be by him held for pro rata distribution among those who have, by the production of receipts, or other evidence, shown themselves to have paid the said direct tax, and who have been listed as hereinbefore directed, as persons who have paid, but whose names do not appear on the list filed in the clerk's office as hereinbefore provided for, and this balance shall be distributed under the rules provided in this act. And should any balance remain of said fund on the first day of January, eighteen hundred and ninety-eight, it shall be the duty of the treasurer or commissioner to pay the same into the county or city treasury, to be expended on

the roads of the county and streets of the city. All such accounts shall be filed as aforesaid with the governor and in the clerk's office within thirty days after the time they are herein directed to be settled; and for failure to file the same, duly examined as aforesaid, every such treasurer and tax commissioner shall be fined twenty dollars per day for each day during which he continues in default. Such settlements may be made by the personal representative or committee of any such treasurer or commissioner in case of his death or disability. Such accounts, and the claims therein set forth, shall be examined by the governor, and the same may at any time within six months after the final settlement aforesaid be disallowed by him in whole or in part for cause shown, and when the rights of the commonwealth are involved therein, the same may be determined in the circuit court of Richmond city.

10. Treasurers or commissioners who may be designated to discharge the duties imposed by this act, shall continue to discharge the same, although their term of office may have expired by law; but the powers of any such treasurer or commissioner to act hereunder, may at any time be revoked by the governor, and in such event, or in the event of a vacancy hereunder from any cause, another commissioner, or the succeeding treasurer of a county or city, may be designated by the governor to perform such duties; and thereupon the previous treasurer or commissioner, or his representative, shall turn over to his successor all the money remaining in his hands hereunder, and the lists aforesaid, and a statement of his accounts so far as not already filed as aforesaid. And the governor may at any time require new or additional bond of any such treasurer or commissioner, if the same shall appear necessary or proper, and may call upon said commissioner of accounts for a report as to the solvency or value of any bond already given: provided that no treasurer shall be appointed under this act who is in arrears to the commonwealth, or to his county.

11. This act shall be in force from its passage.

CHAP. 608.—An ACT for the relief of indigent persons suffering from disease of the eye.

Approved March 3, 1892.

Whereas there are many indigent people in the counties of this state suffering from disease of the eye, which with proper treatment may be removed; or in large measure relieved; and whereas these people are too poor to pay for

this treatment, and with the progress of their disease are likely to become charges upon the public; and whereas it is proper for the state to do something for the relief of such cases; and whereas there is a chartered institution in the city of Richmond known as the Richmond eye infirmary, which has been doing charitable work for a number of years; and whereas this institution, though provided with proper appliances and skilled surgeons, finds itself hampered in its capacity for useful charitable work by the lack of means; and whereas this institution is willing to receive and treat such persons as may be admitted under this act at the rate of thirty dollars per month; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts, on the presentation of the accounts in detail of the managers of said institution for the care of such persons as shall have been received and treated under the terms of this act, shall issue warrants on the treasurer for the payment thereof.

2. That the necessary medical and surgical treatment is to be afforded to these people free of charge.

3. That the number of persons to be admitted during any one year for treatment is to be under the control of the managers aforesaid, and that no person is to be admitted unless with his application for admission he files a certificate under oath of a reputable physician of his county that he is acquainted with the applicant; that in his opinion he has a curable disease of the eye, and that to the best of his knowledge and belief that he is a proper subject of charity and is entitled to receive the benefits of this act. Accompanying this certificate of the doctor there must also be the certificate of the judge of the county court in which the applicant lives, that he knows the applicant and the doctor making the certificate first mentioned, and that he believes the statement therein contained to be true.

4. Any citizen of this state who can comply with the requirements of this act shall be eligible for admission for treatment into the institution aforesaid.

5. That the sum of one thousand dollars for the year eighteen hundred and ninety-two, and the like amount for the year eighteen hundred and ninety-three is hereby appropriated for the purposes aforesaid out of any money in the treasury not otherwise appropriated.

6. This act shall be in force from its passage.

CHAP. 609.—An ACT to amend and re-enact an act entitled "an act to amend and re-enact section 3484, code 1887, in relation to granting new trials," approved February 7, 1890.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the act entitled "an act to amend and re-enact section three thousand four hundred and eighty-four of chapter one hundred and seventy of the code of Virginia of eighteen hundred and eighty-seven, in relation to granting new trials," approved February seventh, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 3484. When a case at law, civil or criminal, is tried by a jury, and a party excepts to the judgment or action of the court in granting or refusing to grant a new trial on a motion to set aside the verdict of a jury on the ground that it is contrary to the evidence; or when a case at law is decided by a court or judge without the intervention of a jury, and a party excepts to the decision on the ground that it is contrary to the evidence, and the evidence (not the facts) is certified, the rule of decision in the appellate court in considering the evidence in the case shall be as on a demurrer to the evidence by the appellant, except that when there have been two trials in the lower court, in which case the rule of decision shall be for the appellate court to look first to the evidence and proceedings on the first trial, and if it discovers that the court erred in setting aside the verdict on that trial, it shall set aside and annul all proceedings subsequent to said verdict and enter judgment thereon.

2. This act shall be in force from its passage.

CHAP. 610.—An ACT to amend and re-enact section 980, chapter 43 of the code of Virginia in relation to county roads.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section nine hundred and eighty, chapter forty-three of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 980. Every person liable to road duty shall, either in person or by a sufficient substitute, when notified by the proper surveyor, his deputy or agent, attend with proper tools and work the roads on such days as the surveyor, his deputy or agent shall direct. For every day on which there may be a failure, a fine of seventy-five cents shall

be paid to the surveyor within thirty days thereafter by the person in default, if of full age, or if an infant, by his parent or guardian. If the fine be not paid, the surveyor shall make out a ticket against the delinquent party for the amount thereof, with an addition of twenty-five cents as a penalty for each day of such failure, which ticket shall be collected by such surveyor or his deputy, and such surveyor or his deputy having charge of the collection of such fine may distrain therefor or otherwise collect the same in the mode prescribed by law for the collection of taxes and county levies, with the right to collect the same fees or commissions as is now allowed to sheriffs on the collection of executions; in addition thereto said surveyor or his deputy shall account for all fines collected by him, retaining the costs aforesaid: provided, however, that such delinquent may, after notice to such surveyor or his deputy, apply to the county court or judge thereof, in vacation, or to the supervisor of his district, and for good cause shown have said fine remitted; or such delinquent may, at any time within thirty days after said ticket is so made out against him, discharge said fine by labor upon the roads of his precinct, and such surveyor or his deputy shall return to the board of supervisors, at their February meeting in each year, a list of all fines so collected, and a list of all delinquents, which list shall be passed upon by the board, and for such amount thereof as may not be approved by the said board, such surveyor or his deputy, as the case may be, shall be liable, and shall forthwith pay the same to be applied to working the roads in such surveyor's district: provided, however, this act shall not apply to any county until the board of supervisors shall adopt the same.

CHAP. 611.—An ACT to dedicate and convey all right and title of the State in certain lots situated in Bedford City, Virginia, to parties to whom same have been heretofore conveyed.

Approved March 3, 1892.

Whereas, on the twenty-second day of January, eighteen hundred and fifty, Joseph Wilson conveyed to Thomas L. Leftwich and others, elders in the Presbyterian church, by deed recorded in the clerk's office of Bedford county court, certain lots of land, numbered forty-seven, forty-eight, forty-nine, fronting on the north cross-street, in the town of Liberty, in the said county, and also a lot of land joining the foregoing lots, containing one and seven-tenths acres, to be held by the grantees for the use of the church and religious congregation attached thereto, and

their successors, according to the conditions and trusts mentioned in the said deed of conveyance; and whereas the said grantees and their successors in office have, according to the direction of the session of the Presbyterian church, as mentioned in the said deed, sold and conveyed the property mentioned in the said deed to various parties, and a doubt having arisen as to whether the trusts mentioned in the said deed are valid, and whether the said property may not have reverted or become vested in the state of Virginia; now, therefore,

1. Be it enacted by the general assembly of Virginia, That all right and title in or to the said property that may have passed to or become vested in the state of Virginia under the deed aforesaid be, and the same is hereby, released and conveyed to the respective parties to whom the said grantees and their successors in office in the deed mentioned may have conveyed the said property, or any part thereof; and all right and title of this state in or to any of the above property not heretofore conveyed by the said grantees, or their successors in office, is hereby released to them, to be disposed of in fee simple, according to the directions of the session of the Presbyterian church at Bedford City.

2. This act shall be in force from its passage.

CHAP. 612.—An ACT to amend and re-enact the tenth subdivision of section 183, chapter 14 of the code of Virginia, relating to the salaries of the superintendent of the penitentiary, surgeon, assistant keepers and clerks.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the tenth subdivision of section one hundred and eighty-three of chapter fourteen of the code of Virginia be amended and re-enacted so as to read as follows:

§ 183. Tenth.—Of superintendent of penitentiary, surgeon, assistant keepers and clerks.—The superintendent of the penitentiary, the sum of sixteen hundred dollars; the surgeon, seven hundred and twenty dollars; the first assistant keeper, seven hundred and twenty dollars; the second, third, fourth, fifth, sixth and seventh assistant keepers, each, six hundred and forty dollars; the clerk, six hundred dollars; the assistant clerk, six hundred dollars, and the matron, four hundred and eighty dollars.

2. This act shall be in force from its passage.

CHAP. 613.—An ACT prescribing the terms for the eighteenth judicial circuit, fixing the times for holding the same, and for an increase of the salary for the judge thereof.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That there shall be four terms of the circuit court of the city of Roanoke and three for the county of Bedford, to be held as follows:

For the city of Roanoke, commencing on the second Monday in January, April, July, and November of each year.

For the county of Bedford, commencing on the first Monday in March, June, and October of each year.

2. The judge of said court may, from time to time, change the times for the commencement of said terms, and may, whenever the business of said courts require it, fix two additional terms for each of said courts, to commence on such day as he may prescribe.

3. The council of the city of Roanoke may, in their discretion, pay to the judge of said court an amount which, with the salary paid by the state, shall not exceed twenty-five hundred dollars per annum.

4. This act shall be in force from its passage.

CHAP. 614.—An ACT to further regulate and control common-carriers doing business in this state and further defining the duties of the railroad commissioner in relation thereto.

Approved March 3, 1892.

1. Long and short haul—greater compensation for a shorter than for a longer distance forbidden.—Be it enacted by the general assembly of Virginia, That it shall be unlawful for any common carrier doing business in this state to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance. But this act shall not be construed as authorizing any common carrier to charge and receive as great compensation for a shorter as for a longer distance: provided, however, that upon application to the railroad commissioner such common carrier may, in special cases, after investigation by the railroad commissioner, be authorized to charge less for longer than

for shorter distances for the transportation of passengers or property, and the commissioner may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this act.

2. Special rates—rebates—drawbacks—unjust discrimination prohibited.—If any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered or to be rendered in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

3. Undue or unreasonable preferences prohibited.—It shall be unlawful for any common carrier subject to the provisions of this act to make or to give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

4. Interchange of traffic.—All common carriers subject to the provisions of this act shall, according to their respective powers, and with due regard to the exigencies of their other traffic, afford all reasonable, proper and equal facilities for the interchange of traffic between their respective lines, and for receiving, forwarding and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to establish or maintain unremunerative train service, or to give the use of its track or terminal facilities to another carrier engaged in a like business.

5. Schedule of rates to be printed and made public.—Every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its route. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its route between which property and passengers will be carried, and shall contain the classification of freight

in force, and shall also state separately the terminal charges, and any rules or regulations which in any wise change, affect or determine any part, or the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places in every depot, station or office of such carrier where passengers or freight respectively are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

Advance in rates: ten days' notice—reduction in rates: three days' notice.—No advance shall be made in the rates and fares and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates and fares and charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time, and kept open to public inspection. Reductions in such published rates, fares, or charges shall only be made after three days' previous public notice, to be given in the same manner that notice of an advance in rates must be given.

No variations from published rates.—And when any such common carrier shall have established and published its rates and fares and charges, in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates and fares and charges as may at the time be in force.

Copies of schedules filed with the commissioner.—Every common carrier subject to the provisions of this act shall file with the railroad commissioner copies of its schedules of rates and fares and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commissioner of all changes made in the same.

6. False billing, classification, and weighing prohibited.—Any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any other device or means, shall knowingly and willfully assist, or shall willingly suffer or permit any person or persons to obtain transportation for

property at less than the regular rates then established and in force on the line of transportation of such common carrier, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of competent jurisdiction within the county or city in which such offence was committed, be subject to the penalties hereinafter prescribed in section thirteen.

Any person and any officer or agent of any corporation or company who shall deliver property for transportation to any common carrier subject to the provisions of this act, or for whom as consignor or consignee any such common carrier shall transport property, who shall knowingly and willfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other fraudulent device or means, whether with or without the consent or connivance of the carrier, its agent or agents, obtain transportation for such property at less than the regular rates then established and in force on the line of transportation, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of competent jurisdiction within the county or city in which such offence was committed, be fined not less than one hundred dollars nor more than five hundred dollars for each offence.

If any such person, or any officer or agent of any such corporation or company, shall, by the payment of money or other thing of value, solicitation or otherwise, fraudulently induce any common carrier subject to the provisions of this act, or any of its officers or agents, to discriminate unjustly in his, its or their favor as against any other consignor or consignee in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimination, such person or such officer or agent of such corporation or company, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of competent jurisdiction, be fined not less than one hundred dollars nor more than five hundred dollars for each offence.

7. Duplicate bills of lading to be issued.—All common carriers doing business in this state shall, on demand, issue duplicate freight receipts to shippers, in which shall be stated the class or classes of freight shipped and the freight charges over the road giving the receipt.

It shall be the duty of every company, upon the arrival of freight shipped to any of its depots or stations, to notify the consignee by mail or otherwise when such freight is ready for delivery, and give a reasonable time for the removal of the same, making due allowance for its class and for bad weather and holidays.

8. Expense bills to be furnished.—Every common carrier doing business in this state shall, at the time such

company delivers any article shipped or transported over its line, furnish to the owner or consignee thereof, or to his agent, a bill plainly stating the class of freight to which said articles belong, the weight thereof, and the rate charged for transporting the same.

9. Telegraph offices to be established and maintained at depots.—Every railroad company doing business in this state shall establish and maintain along its line, at depots or stations, not more than ten miles apart, telegraphic offices, to be operated for the protection of its train service by competent persons in the employ of such company: provided, however, that the railroad commissioner may grant such company, in special cases, permission to have its telegraphic offices at the distance from each other greater than ten but not more than fifteen miles. It shall be the duty of every such operator to telegraph the arrival and departure of every train, as soon as it shall leave the depot or station, to the train dispatcher or other person regulating the running of trains, and if there be no such persons, then to the nearest telegraph office in the direction in which such train is going. The person receiving the telegram shall forthwith give such order or notification by telegraph as may be necessary to prevent any collision of trains.

10. Opening of ticket offices in due time.—It shall be the duty of every railroad company in this state to have its ticket offices opened, and its agents for the sale of tickets in attendance, and at the termini of its road the passenger cars open for the admission of passengers, and baggage cars for the reception of baggage, at least thirty minutes before the advertised hour of departure of every passenger train.

11. Commissioner required to make annual reports.—The railroad commissioner shall annually, on the first day of November, make a report of all his transactions during the preceding year, and transmit the same to the governor, to be laid by him before the general assembly at the next meeting thereof. The report shall contain such information derived from the reports of railroad companies as the commissioner may deem useful and proper; also such statements and explanations as will describe the actual working of the system of railroad transportation in its bearing upon the business and prosperity of the state, and any suggestion as to the general railroad policy of the state, or in any part thereof, or as to the condition, affairs, or conduct of any railroad company doing business in this state, which may seem to the commissioner appropriate; and also a special statement of all accidents occurring in this state on the line of any such company during the preceding year, and the causes thereof. And the reports heretofore required by section twelve hundred and thirty-

seven of the code of Virginia to be made to the board of public works shall hereafter be made to the railroad commissioner.

12. Commissioner to publish the laws, and the same to be posted at stations.—The railroad commissioner shall annually, on the first day of May, publish a compilation of the statute laws governing common carriers in the state of Virginia, and shall furnish a sufficient number of copies to each railroad company, or person operating the same, as to enable such company, or person operating the same, to post and keep posted conspicuously in every passenger and freight depot of the company a copy of such laws, and every such company, or person operating the same, is hereby required to see that such copies, when furnished by the railroad commissioner, are posted and kept posted in the manner described.

13. Penalties imposed for the violation of laws.—Any common carrier failing to comply with the provisions of this act, or of the general laws of this state relating to the transportation of freight and passengers by common carriers when not otherwise provided for by this act or the general law, shall for each violation be deemed guilty of a misdemeanor, and on conviction thereof in any court of competent jurisdiction be fined not less than one hundred dollars nor more than five hundred dollars.

14. Remedy for the violation of law; notice to be given and order to be entered.—Whenever upon complaint made to the railroad commissioner or from his own knowledge, and after he has given the common carrier complained of reasonable notice and an opportunity to be heard and has fully investigated the complaint, it shall appear to said commissioner that any common carrier doing business in this state has failed or neglected in any respect or particular to comply with the provisions of this act or with any of the laws of this commonwealth relating to the transportation of freight and passengers by common carriers, especially in regard to connections with other railroads, the rates of toll and the time schedule, he shall, in writing, request the said common carrier, or person operating the company, to correct the cause of complaint. If after ten days the said company neglects or refuses, the said commissioner shall, in the name of the commonwealth, proceed to have all matters or cause of complaint adjusted by the circuit court, or the judge thereof in vacation, of the county or city wherein the cause of complaint arose, having first given the said common carrier, or person operating the company, ten days' notice, which notice shall contain the cause of complaint. The case shall be heard by the said circuit court, or the judge thereof in vacation, on said notice, and no other pleadings shall be required. The said court or judge, if its decision is in favor of the common-

wealth, shall by mandatory or restraining order prevent the common carrier or person complained of from further continuing to violate the law. It shall also be the duty of the commissioner to require every such common carrier to post and keep posted conspicuously in every passenger and freight depot of the company a copy of this section, printed in large type on card board, in which shall also be stated the name of the commissioner and the location of his office, and to that end the commissioner shall furnish a sufficient number of copies.

15. Service of notice in such cases.—The notice required in the preceding section shall be served and returned in the manner now prescribed by law for the service of notices on corporations, or on trustee, lessee, or receiver of corporations, or any individual, as the case may be, and the return thereof; and any person keeping, attending to, or having charge of any wharf along the route of said company shall be deemed an agent on whom notice may be served under this act, or service upon any clerk or purser of any steamboat or steamship shall be sufficient service upon the company.

16. Commonwealth's attorney to appear.—It shall be the duty of the commonwealth's attorney of any county or city in which proceedings are instituted under this act to represent the state, and such proceedings shall have precedence over all others on the docket in either court.

17. Right of appeal—attorney-general to appear—fees to be allowed.—Either the commonwealth or any common carrier being aggrieved by any judgment, order or ruling made by any circuit court or judge thereof, under the provisions of this act, shall have the right to except thereto, and have such exceptions entered of record, and have the right by bill of exceptions to have any evidence introduced made a part of the record; and the right to present a petition to the supreme court of appeals for an appeal, writ of error, or supersedeas to any final judgment, order, or ruling complained of, and the right to such appeal, writ of error, or supersedeas shall be determined, and, if allowed, the case shall be proceeded in, heard, and finally determined in like cases made and provided. In any case determined in the circuit court, or by the judge thereof in vacation, in favor of the commonwealth, an attorney's fee of ten dollars shall be taxed against the company; and in the supreme court of appeals an attorney's fee of twenty dollars shall be taxed as part of the costs for the attorney-general, who shall appear for the commonwealth in all cases in the supreme court of appeals.

18. Definition of common carrier.—The term "common carrier" shall be construed to include any railroad, express or canal company chartered by this or any other state, and doing business in this state, and any steamboat,

steamship or ferry company doing business in this state, whether incorporated or not, and whether operated or controlled by an individual or partnership.

19. Free or reduced rates; excursion or commutation tickets; passes and free transportation.—That nothing in this act shall apply to the carriage, storage or handling of property free or at reduced rates for the United States, state or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons, and the necessary agents employed in such transportation, or to mileage, excursion or commutation passenger tickets, or to persons in charge of live stock being shipped from the point of shipment to the point of destination and return; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion or to indigent persons, or to inmates of the Confederate homes or state homes for disabled soldiers, and of disabled soldiers and sailors, including those about to enter and those returning home after discharge, or carrying the same free; nothing in this act shall be construed to prevent common carriers from giving free carriage to their own officers, employees, and members of their families, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers, employees and members of their families; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: provided that no pending litigation shall in any way be affected by this act.

20. Sections of the code of Virginia repealed.—Sections one thousand two hundred and five, one thousand two hundred and six, one thousand two hundred and eight, one thousand two hundred and nine, one thousand two hundred and ten, one thousand two hundred and eleven, one thousand two hundred and fourteen, one thousand two hundred and twenty-four, one thousand two hundred and thirty-eight, one thousand two hundred and fifty-seven, one thousand three hundred and ten, and one thousand three hundred, as amended by act approved March fourth, eighteen hundred and ninety, of the code of Virginia, eighteen hundred and eighty-seven, are hereby repealed; but this act shall not be construed as otherwise altering or repealing the general law of this state relating to common carriers and the duties of railroad commissioner, not inconsistent with this act.

21. This act shall be in force from the first day of June, eighteen hundred and ninety-two.

CHAP. 615.—An ACT to amend and re-enact section 2 of an act approved December 22, 1891, entitled "an act to give the consent of the commonwealth to the purchase or acquisition of real estate by the United States government in the city of Roanoke for a site for a public building for the accommodation of the United States court-room, post-office, and other offices.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of said act be amended and re-enacted so as to read as follows:

§ 2. That this state hereby cedes to the United States of America exclusive jurisdiction over such land during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of this state and the service of civil process therein.

2. This act shall be in force from its passage.

CHAP. 616.—An ACT to require prisoners charged with a capital offence, and on trial in a county court, to elect in which court he shall be tried before making a motion for a continuance.

• Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That a prisoner charged with a capital offence, on trial in a county court, shall make his election whether he will be tried in the said court or the circuit court, before making a motion for a continuance.

2. This act shall be in force from its passage.

CHAP. 617.—JOINT RESOLUTION in relation to sale of delinquent lands.

Approved March 3, 1892.

1. Be it resolved by the senate (the house of delegates concurring), That the treasurers of the respective counties and cities of the commonwealth are hereby directed not to sell, before the next session of the general assembly, any lands heretofore sold for delinquent taxes due the commonwealth, purchased by the commonwealth and still unredeemed.

2. That the clerks of the county and corporation courts be, and they are hereby, directed not to furnish to said

treasurers, for the purpose of such sale, the lists of lands so purchased by the state and unredeemed, until the next session of the general assembly.

3. These resolutions shall be in force from their passage.

CHAP. 618.—An ACT to amend an act entitled an act to amend and re-enact section 2071 of the code of Virginia in relation to unlawful hunting, etc., on another's land, approved January 28, 1890.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact section two thousand and seventy-one of the code of Virginia in relation to unlawful hunting on another's land, approved January twenty-eight, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 2071. If any person, without the consent of the owner or tenant, shoot, hunt, range, fish, trap, or fowl on or in the lands, waters, mill-ponds or private ponds of another, which are enclosed, or the boundaries of which or the streams adjacent to which constitute a lawful fence or on any lands, waters, mill-ponds or private ponds of another east of the Blue Ridge, or in the waters on said lands, he shall be deemed guilty of a trespass, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars, and in addition thereto shall be liable in action for damages.

2. This act shall be in force from its passage.

CHAP. 619.—An ACT to prescribe the times for holding the circuit courts in the ninth judicial circuit.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the circuit courts of ninth judicial circuit shall hold terms at the times and places hereinafter specified, to-wit:

Essex: First day of March and September.

Lancaster: Tenth day of March and September.

Northumberland: Fifteenth day of March and September.

Mathews: Twenty-second day of March and September.

King William: First day of April and October.

Gloucester: Tenth day of May and November.

Middlesex: Twenty-fifth day of May and November.

King and Queen: First Tuesday in June and December.

2. All acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

CHAP. 620.—An ACT to amend and re-enact section 1007 of the code of Virginia in relation to working roads.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section one thousand and seven of the code of Virginia be amended and re-enacted so as to read as follows:

§ 1007. Condition in which surveyors to keep roads, sign-boards, foot and other bridges.—Every such surveyor shall superintend, and have the roads in his district worked within the time between the first day of April and the last day of June, and at least one day in October of each year; cause the same to be kept cleared, smoothed of rocks and obstructions, of necessary width, well drained, and otherwise in good order and secure from the falling of dead timber therein. He shall cause to be placed and kept at the fork or crossing of every road, a sign-board, on which shall be stated in plain letters the most noted place to which each road leads, and across every stream where it is necessary and practicable a sufficient bridge, bench, or log for the accommodation of foot passengers. When any more important bridge or causeway is necessary, and it is practicable for him to have it made, he shall cause it to be made twelve feet broad at the least, and safe and convenient. Every bridge or causeway in his precinct shall be kept by him in as good order as the means in his power will permit; and for all these purposes he shall have power, and it shall be his duty, to enroll all persons liable to road service, who are not exempt by law, and who shall have resided ten days within the boundary from which his hands are allotted: provided that this act shall apply to no county having a special road law.

2. This act shall be in force from its passage.

CHAP. 621.—An ACT to amend and re-enact section 2939 of the code of Virginia in relation to jurisdiction of justices of the peace.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section two thousand nine hundred and thirty-nine of the code of Virginia of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 2939. Any claim to specific personal property, or to any debt, fine or other money, or to damages for breach of any contract, or for any injury done to property, real or personal, which would be recoverable by action at law, or

suit in equity, shall, when the claim is to a fine, if the amount of such claim does not exceed twenty dollars, and in all other cases, if the claim do not exceed one hundred dollars (exclusive of interest), be cognizable by a justice, even though the claim be for or against the town or county in which such justice resides; but in every case where the amount or thing in controversy exceeds the sum or value of twenty dollars, the justice shall, upon the application of the defendant and upon affidavit that he has a substantial defence thereto at any time before trial, remove the cause and all the papers thereof to the court of the county or corporation wherein the warrant has been brought, and the clerk of the said court shall forthwith docket the same, but it shall not be tried at any time except by consent of parties, unless it shall have been so docketed ten days previous thereto. On such trial the proceedings shall conform to section thirty-two hundred and eleven.

. 2. This act shall be in force from its passage.

CHAP. 622.—An ACT for the protection of discharged employees.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That no corporation, manufacturer, or manufacturing company doing business in this state, or any agent or attorney of such corporation, manufacturer or manufacturing company, after having discharged any employee from the service of such corporation, manufacturer, or manufacturing company, shall willfully and maliciously prevent or attempt to prevent, by word or writing, directly or indirectly, such discharged employee from obtaining employment with any other person or corporation. For any violation of this section the offender shall be guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than one hundred nor more than five hundred dollars. But this section shall not be construed as prohibiting any corporation, manufacturer, or manufacturing company from giving in writing, on application from any other person or corporation, a truthful statement of the reason for such discharge.

2. This act shall be in force from its passage.

CHAP. 623.—An ACT to prescribe the mode of appointment, term of office and duties of the adjutant-general.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That sections three hundred and fifty-two and three hun-

dred and seventy-three of the code of Virginia, chapter twenty-one, be amended and re-enacted so as to read as follows:

§ 352. Liability of officers not affected by resignation.—Until an officer, or his legal representative, receive from the adjutant-general notice that the property accounts of such officer have been examined and found correct, the liability of such officer, or of his estate, for public property, for which he is responsible, shall be in no way affected by resignation, discharge, change in official position or death. Upon the death or desertion of an officer responsible for public property, his immediate commander shall at once cause the property for which such officer was responsible to be collected, and a correct inventory made by actual count and examination; which inventory shall be forwarded to the adjutant-general, in order that any deficiency may be made good from the estate of the deceased or deserting officer. Compensation for such deficiency may be recovered in the manner provided in section three hundred and fifty. The adjutant-general shall examine all the accounts mentioned in this section within sixty days after the return is made, and notify at once the officer, or his legal representative, of the result of said examination. If the adjutant-general approves the accounts, the officer, or his legal representative, shall be acquitted and released of all pecuniary liability.

§ 373. Appointment of adjutant-general; his salary; duties of adjutant-general.—The governor of the state shall appoint the adjutant-general, whose term of office shall be during the term of the governor appointing him. The salary of the adjutant-general shall be fifteen hundred dollars per annum. The adjutant-general shall distribute all orders from the commander-in-chief; attend at all public reviews when the commander-in-chief shall review the Virginia volunteers, or any part thereof; obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the state and of the United States; furnish blank forms for the different returns and rolls as may be required; receive from the several officers of the different corps throughout the state returns of the Virginia volunteers under their command, reporting the actual condition of their uniforms, arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the advancement of good order and discipline; all of which the several officers of the Virginia volunteers are hereby required to make, so that the adjutant-general may be furnished therewith; and from all said returns he shall make proper abstracts, and lay the same annually before the commander-in-chief; and he shall annually, on or before the first Monday in January, make a return in du-

pligate of the Virginia volunteers of the state, with the condition of their uniforms, arms, accoutrements and ammunition, according to such directions as he may receive from the secretary of war of the United States, one copy of which he shall deliver to the commander-in-chief, and the other of which he shall transmit to the president of the United States.

2. This act shall be in force from its passage.

CHAP. 624.—An ACT to allow the treasurer of the town of Abingdon further time to distrain and levy for and collect certain tax-tickets and assessments in his hands.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the treasurer of the town of Abingdon be, and he is, allowed one year from the passage of this act to distrain and levy for and collect any uncollected assessments for paving and curbing sidewalks and other taxes due the said town of Abingdon and Cave City school district for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, and eighteen hundred and eighty-nine, and eighteen hundred and ninety, none of which said tax-tickets and assessments which have been returned delinquent shall be collected under this act.

2. This act shall be in force from its passage.

CHAP. 625.—An ACT making an annual appropriation to the Confederate soldiers' home, and in consideration thereof accepting a conveyance from R. E. Lee camp, No 1, Confederate veterans, of the property owned by it and now used for said home.

Approved March 3, 1892.

Whereas the annual appropriation now made by the state to the soldiers' home is entirely inadequate for the support and maintenance of the present inmates therein, and those Confederate soldiers and sailors who desire and deserve to be cared for there by the state; and whereas R. E. Lee camp, No. 1, Confederate veterans, is the owner of the twenty-five acres of ground and buildings thereon now used for said home, which property said camp is willing and desirous of granting to the state when it ceases to be used for its present purposes in consideration of an ample annual appropriation by the state for the support of those Confederate soldiers and sailors who are now or may hereafter properly become inmates of said home; therefore,

1. Be it enacted by the general assembly of Virginia, That a sum not exceeding thirty thousand (\$30,000) dollars, be, and the same is hereby, annually appropriated out of the treasury of the state for the support and maintenance of said home.

2. That the treasurer of the board of visitors of said soldiers' home shall quarterly report to the auditor of public accounts the number of inmates in said home, and as long as the number of said inmates exceed fifty (50) the auditor shall issue his warrant on the treasurer of the state in favor of the treasurer of said board for a sum equal to one hundred and fifty (\$150) dollars per capita per annum of said inmates, and when the number of said inmates is reduced to fifty (50) or less, then the auditor's warrant shall be for a sum equal to two hundred (\$200) dollars per capita per annum: provided that the auditor's warrant for this purpose shall not exceed the sum of thirty thousand (\$30,000) dollars in any one year.

3. In consideration of the annual appropriation contained in the preceding section, and before any money is received under this act, it shall be the duty of said camp to execute, deliver and have recorded a deed, to be approved by the attorney-general, conveying the twenty-five acres of ground now used by it, and used as a soldiers' home, and the improvements now or hereafter to be erected thereon, to the commonwealth of Virginia, which said deed shall contain a condition that it shall not divest the possession and control of said property from the grantor (unless said grantor consents to surrender such possession and control before that time which it may do) as long as said property is used for the purposes for which it is now used and which it is agreed will be twenty-two years from the passage of this act, and a further condition that said camp may erect or allow to be erected on said property in such locality or locations as may be agreed on between it and the governor, any statue or statues to the memory of fallen Confederates.

4. This act shall be in force from its passage, and shall be deemed a contract between the commonwealth and said camp, that in consideration of the conveyance of the property as aforesaid, and as a condition that the commonwealth will for the whole period contemplated by this act make the annual appropriation therein specified: provided that should the title to the premises herein described as the soldiers' home prove defective, the provisions of this act shall impose no obligations on this commonwealth to make any appropriation to R. E. Lee camp, number one, Confederate veterans, except that the appropriations made or to be made for the years eighteen hundred and ninety-two and eighteen hundred and ninety-three shall in any event be paid out of the treasury of the commonwealth.

CHAP. 626.—An ACT to amend and re-enact section 3912 of the code of Virginia, so as to make county surveyors conservators of the peace within their counties.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine hundred and twelve of the code of Virginia of eighteen hundred and eighty-seven be amended and re-enacted so as to read as follows:

§ 3912. Who conservators of the peace may bind to good behavior.—Every judge throughout the state, and every justice, commissioner in chancery, notary and county surveyor while in the performance of the duties of his office within his county or corporation, shall be a conservator of the peace, and may require from persons not of good fame security for their good behavior for a term not exceeding one year.

2. This act shall be in force from its passage.

CHAP. 627.—An ACT to provide for the erection of a fire-proof state library building, and also for the accommodation of the court of appeals, the auditor of public accounts, second auditor, treasurer, commissioner of agriculture, railroad commissioner, superintendent of public instruction, adjutant-general, superintendent of public printing and attorney-general and state laboratory.

Approved March 3, 1892.

Whereas the capital building is overloaded with a library, making it necessary to rent rooms in the city for the storage of books and public documents, and with archives of incalculable value to Virginia, whose loss nothing could replace; and

Whereas the said building may collapse from this extraordinary weight and is in daily danger of destruction by fire, which, when once under way could not be extinguished; and

Whereas the public wants have largely outgrown the capacity of the said building to meet them, and a building supplemental to the capitol is imperatively demanded by the above circumstances; and

Whereas the act, chapter three hundred and fifty-three, of March the tenth, eighteen hundred and eighty-four, directs the proceeds of the sale of certain lands therein described, and ordered to be invested "in bonds issued under act of the fourteenth of February, eighteen hundred and eighty-two, at their market value," to be held to meet

the costs of a public building to be used as a library and for public offices, and the proceeds of said sales now amount to one hundred and seventy-three thousand and nine hundred dollars in three per centum bonds, with interest to the first day of July, eighteen hundred and ninety-two, amounting to thirty-seven thousand two hundred and twenty-eight dollars and fifty cents, and the act of March fifth, eighteen hundred and ninety, chapter two hundred and twenty-one, directs the sale of a lot of land known as the state cattle-pens, situated in the county of Henrico, and ordered the proceeds to be similarly invested and dedicates them to similar use, and the sale under said act has so far produced three hundred dollars in new three per centum bonds, with interest to the first day of July, eighteen hundred and ninety-two, amounting to eighteen dollars, leaving the residue yet to be sold, and estimated by experts to be worth not less than ten thousand dollars; and

Whereas the building now occupied by the court of appeals is estimated by experts to be worth not less than six thousand dollars in cash; and,

Whereas the rent of rooms and buildings outside of the capitol necessary to accommodate certain officers of the state now amounts to about three thousand dollars per annum, which may be judiciously capitalized into a principal sum of fifty thousand dollars; therefore,

1. Be it enacted by the general assembly of Virginia, That P. W. McKinney, governor of Virginia; H. W. Flournoy, secretary of the commonwealth; Morton Marye, auditor of public accounts; Frank G. Ruffin, second auditor, and A. W. Harman, junior, treasurer, and their successors in the offices they now respectively hold, be, and they are hereby, created a board of building commissioners to represent and act for the state for the purposes hereinafter set forth, and shall be known in law as the "The state board of building commissioners," of which the governor shall be ex-officio the president; and in his absence, inability or failure to act, a majority of the residue of the said board shall elect a president pro tempore.

2. The said "The state board of building commissioners" shall proceed with all reasonable dispatch, under contract or contracts with the lowest responsible bidder or bidders, to cause to be erected upon the ground of the capitol square a complete fire-proof building, according to the plans and specifications to be submitted to and approved by said board: provided that the cost of said building shall not exceed the sum of two hundred thousand dollars. The said board shall select a professional architect, at a reasonable salary, to advise with them in all the details of said building and to superintend its erection: provided that when the said building or any part thereof

is let to contract the said board shall first require the contractor or contractors to enter into bond with sufficient penalty and with approved security, conditioned for the faithful and efficient performance of the contract on the part of said contractor or contractors.

3. It is the intention of the general assembly that said building shall be simple and imposing in design, and free from meretricious ornamentations, so as to harmonize in tone, outline and expression with the present capitol building.

4. Said building shall contain sufficient accommodations for the state library, including historical paintings and statuary, the supreme court of appeals, its offices and library, the auditor of public accounts, the second auditor, the treasurer, the commissioner of agriculture, the railroad commissioner, the superintendent of public instruction, the adjutant-general, the attorney-general, and the superintendent of public printing, and such other accommodations as in the discretion of the said board may be necessary.

5. In order to obtain the money needed for the purposes of this act, the board of public works are hereby authorized and empowered to sell the bonds purchased under the act of assembly, chapter three hundred and fifty-three, March tenth, eighteen hundred and eighty-four, and to cover the same, principal and interest, into the treasury of the commonwealth, and also to sell the bonds which have accrued or may accrue from the sale of the state cattle-pens, as directed by act of assembly, chapter two hundred and twenty-one, March fifth, eighteen hundred and ninety, and cover the same, principal and interest, into the treasury of the commonwealth; and the said state board of building commissioners are hereby authorized to collect the same from time to time, as may be needed to pay for labor and materials to be expended on the work, by drafts of the said board upon the auditor of public accounts upon the treasurer of the commonwealth. The said board is authorized to sell, after due advertisement, on such terms as they may deem advisable, the building now used by the supreme court of appeals of Virginia for its sittings; said sale, however, not to be made until the building hereby authorized to be erected is completed, and the said court provided with rooms therein, convenient and suitable for the transaction of its business, and also to collect and apply to this fund, the debt due to the commonwealth from Emory and Henry college, for land sold said college. The said board is hereby authorized and directed to make a deed to said property when the whole of the purchase money shall have been paid.

6. The said purchase money as it may be collected under the terms of said sale, shall be deposited in the treasury

of the commonwealth, to be there held as a sum dedicated to the purposes of this act; to be drawn out from time to time to pay for labor and materials as needed, by drafts of the said state building commissioners upon the auditor of public accounts on the treasurer of the commonwealth.

7. This act shall be in force from its passage.

CHAP. 623.—An ACT to place on the retired list members of Virginia volunteers who have served ten years.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That any officer, non-commissioned officer or private in the Virginia volunteers who shall have served for ten years as an active member in the Virginia volunteers, may, upon his own application through the regular military channels to the commander-in-chief, be placed upon the retired list of the organization to which he may belong, and may only be required to answer any summons in aid of the civil authorities and to attend the annual inspection and muster of his command: provided further, that any commissioned officer, non-commissioned officer or private who may have honorably left the service of the Virginia volunteers, after having served ten years therein, may upon his application in like manner be placed upon the retired list. In all cases officers shall be commissioned in their respective rank as retired officers with commissions of the same grade as when retired; non-commissioned officers shall receive warrants as of the retired list with the rank held when retired. All retired officers, non-commissioned officers and privates retired shall be borne upon the rolls of their respective commands as such. They shall be a part of said commands and shall so remain unless dismissed from the service by court-martial or discharge at their own request.

2. That in computing the term of service necessary to be placed upon the retired list herein provided for, the time of service of any applicant in the army of the Confederate States of America shall be considered a part of said ten years' service: provided that nothing herein contained shall be construed as exempting commissioned and non-commissioned officers and privates from jury service.

3. This act shall be in force from its passage.

CHAP. 629.—An ACT to amend and re-enact section 2072 of the code of Virginia in relation to unlawful hunting in the counties of Alexandria, Fairfax, Prince William, Stafford and King George.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section two thousand and seventy-two of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2072. In certain counties.—If any person shoot, hunt, range, or fowl on the lands or in the water courses comprehended within the survey of any proprietor of lands in the counties of Alexandria, Fairfax, Prince William, Stafford and King George, and within five miles of navigable tide-water, without license in writing from the owner or tenant of said lands, he shall, besides being liable to such owner or tenant in an action for damages, forfeit to the informer three dollars for the first offence, six dollars for the second offence, and nine dollars for each succeeding offence, the forfeiture in each case to be double if the offence be committed in the night or on Sunday; and he shall likewise forfeit to the informer, in each instance, his boat or other means of conveyance, his gun, dogs and all his shooting and hunting apparatus used in the commission of the offence, and be liable for all costs and expenses incurred in apprehending and prosecuting him for the recovery of said forfeiture.

2. This act shall be in force from its passage.

CHAP. 630.—An ACT to amend and re-enact section 2088 of the code of Virginia, in relation to hauling seines, or setting traps in the waters of Accomac and Northampton counties.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section two thousand and eighty-eight of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2088. Hauling seines or setting traps in waters of Accomac and Northampton counties.—No person shall haul seines or set weirs or traps of any kind for the purpose of taking or catching fish in the waters of Accomac or Northampton counties, at or within the mouth or inlet of, or in any creek, stream, or body of water, or in thoroughfares in the said counties, between the fifteenth day of May and the first day of September in any year: provided that it shall be lawful during said prohibited period to catch fish with

draw seines in the waters of Chincoteague inlet and its tributaries. "Mouth" and "inlet" as used in this section shall be construed as commencing one mile beyond headlands or marshes bordering on said creeks, streams, or bodies of water. This section shall not apply to the taking of fish known as "fat backs," nor be construed to prohibit the hauling of seines for family use in the waters of the north fork of Old Plantation creek, in the jurisdiction of Northampton county, within the limits prescribed in chapter two hundred and eleven of the acts of eighteen hundred and seventy-six and seventy-seven, during the months of June, July and August, nor to interfere with the privilege of taking fish in Chesapeake bay. Any person violating the provisions of this section shall, for each offence, be fined not less than fifty nor more than one hundred dollars, one-half of which shall be to the informer, and all seines, boats other appliances used in such violation shall be forfeited to the commonwealth.

2. This act shall be in force from its passage.

CHAP. 631.—An ACT for the protection of the riparian rights and rights of fishery of owners of land on the Elizabeth river.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That neither chapter ninety-seven of the code of Virginia, nor any act passed hitherto in amendment thereof shall be so construed as to abridge or destroy any of the riparian rights or rights of fishery of the owners of land on the eastern side of the Elizabeth river south of Sewell's Point, or on the western side of said Elizabeth river south of Pinner's Point, which were possessed by the owners of such land on the first day of February, eighteen hundred and ninety-two.

2. This act shall be in force from its passage.

CHAP. 632.—An ACT to amend and re-enact section 3 of an act entitled "an act to incorporate the Prison association of Virginia," approved March 3, 1890.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section three of an act entitled, "an act to incorporate the Prison association of Virginia," approved March

third, eighteen hundred and ninety, be and the same is hereby, amended and re-enacted so as to read as follows:

§ 3. Said association shall have power, in furtherance of said objects, to establish and conduct anywhere within the limits of the commonwealth such employment houses of industry, or other agencies of like aim and character, as they may deem best calculated to aid discharged convicts by affording them the means of obtaining an honest livelihood and sustaining them in their efforts at reform; and to establish such houses of correction, reformatories, industrial schools, workhouses, or other institutions of like aim and character as they may deem advisable, and in their discretion to receive into them such children and youth as may be committed to their charge by the voluntary written surrender of their parents or other persons having the legal right to their custody and control, and also such children and youth and other persons as may be lawfully committed to their charge by the courts and magistrates of the commonwealth; and said association shall have the same power to detain, govern and employ the persons so committed as are by law conferred upon the proper authorities of the state penitentiary with regard to persons committed to it.

2. This act shall be in force from its passage.

CHAP. 633.—An ACT in relation to working the public roads in the county of Campbell.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That every person required to work on the public roads in the county of Campbell shall, either in person or by a sufficient substitute, when notified by the proper surveyor, attend with proper tools and work the roads on such days as the surveyor may direct: provided, however, that no person shall be required to work on the public roads more than two days in any one year. For every day on which there may be a failure a fine of seventy-five cents shall be paid to the surveyor, within thirty days thereafter, by the person in default, if of full age, or, if an infant, by his parent or guardian. If the fine be not paid to the surveyor within the time above specified, he shall make out a ticket against such delinquent party for the amount thereof, with an addition of ten per centum costs, which ticket shall be placed by him in the hands of the constable of his district, or the sheriff of the county for collection. The officer having charge of the collection of such fines may distrain therefor or otherwise collect the

same in the mode prescribed for the collection of taxes and county levies. He shall account to the surveyor for all fines collected by him, dividing the costs collected equally with the surveyor, and return to the clerk of the county court annually, at the March term, a list of all fines so collected, with the names of the surveyors to whom the same have been paid, and the clerk shall label and file the same in his office. The surveyor shall take a receipt for each ticket so placed in the hands of said constable or sheriff, and if the same is not collected and paid over to him within ninety days from the date of the receipt, he shall return said receipts to the clerk of the county court, who shall label and file the same in his office, and immediately inform the commonwealth's attorney thereof, whose duty it shall be, without delay, to institute a proceeding by motion against such constable or sheriff, as the case may be, and his sureties on his official bond, to recover the aggregate amount of such tickets as shown by said receipts, and may direct the said clerk to summons such witnesses as he may deem necessary in the prosecution of said motion. And if, upon the trial of said motion, it shall appear to the court that any of said tickets have not been collected, but, by due diligence on the part of the officer, might have been collected, or that any have been collected and not paid over to the surveyor, in either case judgment shall be given against such constable or sheriff, as the case may be, and his sureties, for the amount of tickets collected and not paid over, as well as for the amount of tickets which, with due diligence, might have been collected, together with the costs of said motion, including a fee of two and one-half dollars to the attorney for the commonwealth and fifty cents to the said clerk. All sums of money, recovered in any motion under this section shall be expended on the county roads as the court may direct. The motion shall be in the name of the commonwealth: provided, however, that such delinquent may, after notice to such surveyor, apply to the county court or judge thereof in vacation, or to the supervisor of his district, at any time before said receipts are returned to the clerk, and for good cause shown have said fine released or remitted; or such delinquent may, before the ticket goes into the hands of the constable or sheriff, discharge the fine by labor upon his road precinct: provided further, that if any person is idle and slothful in his work upon the public roads, and fails or refuses to perform such reasonable service as may be required of him, he may be forthwith discharged by his surveyor, and a ticket made out against him and collected in the manner above provided for the collection of road fines.

2. This act shall be in force from its passage.

CHAP. 634.—An ACT to authorize the board of supervisors of Appomattox county to borrow ten thousand dollars.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That it may be lawful for the board of supervisors of Appomattox county to borrow a sum of money not to exceed in amount the sum of ten thousand dollars and to issue the bonds of the county, redeemable in twenty years and bear a rate of interest not to exceed six per centum per annum, to rebuild the court-house, and for other purposes.

2. The bonds authorized to be issued under this act shall be signed by the chairman of said board and countersigned by the clerk of the county court with the county seal annexed.

3. But nothing in this act shall be construed to compel said board to issue any bonds under this act until a majority of said board has determined to do so at a meeting thereof.

4. This act shall be in force from its passage.

CHAP. 635.—An ACT to incorporate the Jonesville railway company.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That H. J. Morgan, B. H. Sewell, C. T. Duncan, J. A. G. Hyatt, H. C. T. Richmond, C. Slemp, Harvey Young, M. S. Ball, E. W. Pennington, H. C. Joslyn, A. M. Goins, A. W. Cook, A. M. Brown, J. R. Gibson, C. A. Russell, W. N. McNeil, D. O. Woodward, M. C. Parsons, E. S. Woodward, B. F. Kincaid, J. B. McLin, C. E. Baylor, I. S. Anderson, Wright Stickley, Carr Bailey, E. W. R. Ewing, E. W. Pennington, William S. Hurst, L. C. Shelburn, S. S. Sergner, and J. M. Tate, of Lee county, Virginia; R. A. Ayres, J. B. Richmond, and Patrick Hagan, of Scott county, Virginia; E. M. Fulton, C. F. Flanary, J. K. Laggart, J. B. F. Mills, W. S. Mathews, and W. E. Harris, of Wise county, Virginia, or such of them as may accept the provisions of this act, their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic by the name of the Jonesville railroad company, and as such shall have all the privileges, rights, franchises, and immunities granted to or possessed by railways chartered under the laws of Virginia.

2. The said company may construct, equip, and operate a railroad, either narrow or standard guage, from some point on the Cumberland valley extension of the Louisville and Nashville railroad between Pennington gap and Hubbard springs, in Lee county, Virginia, to a convenient point at or near the town of Jonesville, and thence through said county to a point on the Virginia and Tennessee state line at or near Mulberry gap.

3. Said company shall have perpetual succession, and a common seal, which it may renew or alter at pleasure; may sue or be sued, plead or be impleaded, contract or be contracted with; may adopt ordinances, by-laws, and regulations not inconsistent with the laws of the state of Virginia for the government of its officers and agents and the proper conduct of its business.

4. The capital stock of said company shall not be less than twenty-five thousand dollars, which it may increase from time to time to one million dollars, to be divided into shares of twenty-five dollars each, and each share shall be entitled to one vote.

5. Subscriptions to the capital stock of said company may be made in money, labor, materials, or lands, and said company may acquire lands by gift or purchase, and shall have power to sell and convey the same: provided that the amount of land which said company shall own at any one time shall not exceed two thousand acres.

6. The corporators herein named, or such of them as shall accept the provisions of this act, by themselves or under the supervision of such person or persons as they may designate for the purpose, may open books for subscription to the capital stock of said company and keep the same open as long as they deem proper, and when twenty-five thousand dollars is subscribed said company shall organize by the election of a president, secretary, and treasurer, as hereinafter provided.

7. It shall be lawful for the county of Lee, by vote taken in accordance with the general laws of the state, to subscribe to the capital stock of said railroad a sum not exceeding twenty-five thousand dollars, and it shall be the duty of the judge of the county court of said county, when petitioned by fifty voters of said county, twenty-five of whom shall be freeholders, to order an election to be held submitting said subscription to the qualified voters of said county in the mode prescribed by law. The amount for which the subscription is asked shall be fixed by said judge in his order: provided, however, that the same shall not be fixed at a sum less than ten thousand dollars.

8. It shall be lawful for said company to borrow money and to issue bonds and other evidences of debt, and to

secure the same by mortgages, deeds of trust, or otherwise: provided, however, that the sums borrowed shall not exceed ten thousand dollars for each mile of said road.

9. The said company may acquire by gift, purchase, or condemnation pursuant to the laws of Virginia, any lands required for the right of way of its railroad and the necessary stations and depots for its operation, and may connect or unite its road with the Louisville and Nashville railroad and any other railroad hereafter constructed in said county.

- 10. The first named nine persons in section one of this act who shall accept its provisions and participate in the organization of the company shall constitute the first board of directors of said company, from whom they may elect a president, secretary, and treasurer, and shall be vested with all the powers, rights, privileges, and franchises of said corporation, together with all the powers, duties, and obligations of such boards and officers of like corporations, and shall continue in office until superseded by the election of officers in stockholders' meeting.

11. As soon as twenty-five thousand dollars or more have been subscribed to the capital stock of said company it shall be the duty of the president to call a general meeting of the stockholders of said company, to be held in the town of Jonesville, at which meeting there shall be a regular election of president, secretary, and treasurer, and such other officers as may be prescribed by the by-laws.

12. The board of supervisors of Lee county, by and with the approval of the county court of said county, may make requisition upon the governor of Virginia for not exceeding one hundred convicts, whose terms of service in the penitentiary at the time of said requisition do not exceed five years. Said convicts, when received, may be turned over by said board of supervisors to said company, to be used by said company in grading and constructing said railroad. The hiring, working and keeping said convicts shall be governed by the statute of Virginia in such cases made and provided; and it shall be the duty of the governor, upon such requisition being received by him, to furnish and turn over to said board of supervisors such able-bodied convicts as may then be in the penitentiary, not exceeding one hundred.

13. Said company shall commence the construction of its road within two years, and complete the same to the town of Jonesville within five years from the first day of January, eighteen hundred and ninety-two, otherwise the rights, privileges and franchises hereby granted shall cease.

14. All taxes, debts, dues and demands of the state of

Virginia against said company shall be paid in lawful money of the United States, and not in coupons.

15. This act shall be in force from its passage, but the general assembly reserves to itself the right to amend or repeal it at pleasure.

CHAP. 636.—An ACT to amend and re-enact section 7 of an act of the general assembly of Virginia, approved January 14, 1879, entitled an act to incorporate the town of Herndon, in the county of Fairfax.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section seven of an act of the general assembly of Virginia, approved January fourteenth, eighteen hundred and seventy-nine, entitled an act to incorporate the town of Herndon, in the county of Fairfax, as amended by an act approved March fourth, eighteen hundred and ninety, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 7. The council may annually levy a tax for roads and corporation purposes, which on no property shall exceed fifty cents on the one hundred dollars' valuation, except that on a petition of two-thirds of the freeholders within the corporation, road or school tax not to exceed the amount named in said petition, and in any case where taxes and levies on real estate are delinquent, and have been returned according to the provisions of section ten hundred and forty-six of the code of Virginia, the council, in addition to the power it now has under the general law to enforce the collection of delinquent taxes and levies, shall have the right to provide for the renting of such real estate to pay the amount of delinquency and the costs of renting, and whenever any new street shall be opened, any existing street extended, graded or paved, sidewalks constructed or any culvert or other public improvement made, the council may determine what proportion of the expense thereof shall be paid by the town and what proportion by the owners of the real estate thereby benefited, and shall assess each owner with the payment of his just share of the expense, the same to be collected in the manner herein provided for the collection of other taxes, but no part of the expense of such improvement shall be assessed against the said owners, except such improvement be ordered by a two-thirds majority of the council upon the petition of a majority of the owners of the real estate along the street to be effected by such public improvement.

2. This act shall be in force from its passage.

CHAP. 637.—An ACT to correct an erroneous assessment against W. H. Silcott.

Approved March 3, 1892.

Whereas by proven clerical error of the assessor of Mercer district, in the county of Loudoun, W. H. Silcott has paid into the state treasury the sum of fifty-two dollars and fifty cents; therefore

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts, be, and he is hereby, directed to draw his warrant in favor of W. H. Silcott for the sum of fifty-two dollars and fifty cents, to be paid out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage.

CHAP. 638.—An ACT to amend and re-enact an act entitled an act to incorporate the Brookland railway and improvement company in Henrico county, approved March 4, 1890.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the third section of an act entitled "an act to incorporate the Brookland railway and improvement company," approved March fourth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

- § 3. The objects of this corporation are to buy, hold, and sell real estate in Brookland district of Henrico county, Virginia, and its vicinity, and to build, equip, and erect a bridge or viaduct over Bacon's quarter branch, at a point where said stream crosses First street, in the city of Richmond, and in the county of Henrico, the same being at present the boundary line between said city and county, and to build and operate a line of railway and to run cars on the same, propelled by electric or horse power, from any point in said district of the county into any part of the city of Richmond or the county of Henrico, Virginia, the said railway to be located upon and along any roads or streets of the county or city, after permission for such location shall have been obtained from the judge of Henrico county court and the common council of the city of Richmond.

2. Be it further enacted, That it shall be lawful for said company to erect a toll-bridge across Bacon's quarter branch at a point where said stream crosses First street in the city of Richmond and in the county of Henrico, the same being at present the boundary line between said

city and county; and for that purpose it is hereby authorized to purchase or condemn, in the mode prescribed by law, a lot of ground not exceeding one acre for the erection of a toll-house, and so much land as may be necessary for the right of way, abutments, and the construction of the said bridge, and a convenient pathway over the same.

3. Be it further enacted, That it shall be lawful for said company, or its legal representatives, as soon as the said bridge shall be completed and open for transportation and travel, to charge and collect such tolls as the board of directors may from time to time prescribe, but the tolls charged therefor shall not exceed the following amounts, namely: Sheep or hogs per head, one cent; person on foot, one cent; hand-cart, truck or wheelbarrow, two cents; cattle, per head, three cents; horse, mule, ass or work-ox, four cents; man and horse, five cents; one-horse vehicle, five cents; two-horse vehicle, ten cents; three-horse vehicle, fifteen cents; four-horse vehicle, twenty cents: provided the said bridge be commenced within six months and completed within twelve months.

4. Be it further enacted, That all laws now in force regulating toll-bridges shall apply to this act, and nothing herein contained shall prevent the general assembly from changing and regulating hereafter the rates of tolls prescribed by this charter.

5. Be it further enacted, That this act shall be in force from and after its passage.

CHAP. 639.—An ACT to define a lawful fence for the county of Warwick.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That within the county of Warwick the boundary lines of each lot or tract of land shall be, and are hereby, declared to be a lawful fence, and all animals going at large in said county shall be subject to the provisions of sections two thousand and forty-two, two thousand and forty-nine, and two thousand and fifty of the code of Virginia.

2. This act shall not apply to that portion of Newport magisterial district in said county, known as Newport News election precinct.

3. This act shall be in force from its passage.

CHAP. 640.—An ACT to amend 5th section of an act entitled an act to incorporate the Blacksburg railway company, approved March 5, 1890.

Approved March 8, 1892.

1. Be it enacted by the general assembly of Virginia, That section five of an act entitled "an act to incorporate the Blacksburg railroad company," approved March fifth, eighteen hundred and ninety, be amended so as to read as follows:

§ 5. That no payments on account of subscriptions to the stock shall be required until not less than ten thousand dollars have been subscribed by solvent persons or corporations, and the construction of said road shall not be commenced until the minimum of the capital stock aforesaid shall have been subscribed and ten per centum thereof paid in; and said company shall commence their line within two years from the first day of March, eighteen hundred and ninety-two, and complete the same within five years thereafter.

2. This act shall be in force from its passage, subject to modification or repeal, at the pleasure of the general assembly.

CHAP. 641.—An ACT to incorporate the Lexington and Western railroad company.

Approved March 8, 1892.

1. Be it enacted by the general assembly of Virginia, That James B. Pace, E. C. Manning, John G. Watts, H. E. McCoy, W. A. Anderson, H. C. Stuart and E. L. Roberts, and such other persons as may be associated with them, their successors and assigns be, and they are hereby, constituted a body politic and corporate, under the name and style of the Lexington and Western railroad company, for the purpose of constructing, maintaining, operating and equipping a railroad line from Lexington, or the vicinity thereof, in the state of Virginia, to the north line of the state of Tennessee, upon such route as may be adopted by said company.

2. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, and the board of directors shall have the power to increase said capital stock to an amount not exceeding forty thousand dollars per mile of constructed and operated road. Each share thereof shall entitle its holder to one vote in all meetings of the stockholders, and the company may receive and hold real and personal property

suitable for its business in payment for subscriptions to the capital stock at such valuations as may be agreed upon between the board of directors and the subscribers thereto.

3. After the passage of this act a majority of the corporators heretofore named, after first having given notice of such meeting in a newspaper published in Lexington, Virginia, may meet together and organize the company by electing a board of directors of not less than five nor more than nine persons in number, who shall hold office for one year and until their successors are chosen, and who shall choose from their own number a president and secretary of the company. The board of directors may fill any vacancy in their own body or the officers of president and secretary caused by death or otherwise, and shall elect such other officers as may be necessary to carry on the business of the company.

4. As soon as the company is organized by the selection of a board of directors, president and secretary, the company shall open books for subscription to the capital stock of the company, and when twenty thousand dollars is subscribed to the capital stock, and a sum of money equal to ten per centum of the same is paid in, the company shall be thereupon fully organized for the transaction of business, and may adopt by-laws for the government of the company, and take such further action as the interests of the company may require. The by-laws of said company shall prescribe the times and places for the meetings of the stockholders, and also the time and method of giving notice of such meetings, but the same may be changed at the discretion of the board of directors.

5. The said company shall have power to borrow money for its purposes, and to secure the same by mortgage or mortgages upon its works, franchises and income, and it shall have authority to receive subscriptions to its capital stock from the counties and municipalities through and into which its line of road is located, but such local subscriptions shall be limited to four thousand dollars per mile of track in counties, and to twenty per centum of the assessed value of property in incorporated cities.

6. Said company is authorized to construct and operate branch and lateral lines of railroad in this state and to consolidate with any other railroad company heretofore incorporated, or which shall be hereafter incorporated in or out of the state of Virginia, whose lines of road connect, or will connect with the railroad hereby authorized to be constructed: provided the identity of the company shall not be destroyed by such consolidation, lease, or sale, or its character as a domestic corporation changed; and it shall be lawful for the company hereby incorporated to lease or sell its works, property, and franchises to any

other railroad company; and it shall be lawful for said company to lease or purchase the works, property, and franchises of any other railroad company heretofore incorporated or which shall be hereafter incorporated in or out of the state of Virginia, whose lines connect or will connect with the lines of the railroad hereby authorized to be constructed; and any railroad company incorporated in the state of Virginia is hereby authorized to consolidate with the said Lexington and Western railroad company, or to sell or lease its works, property, and franchises to the said Lexington and Western railroad company, and which lies along the route of this company, so as to be used as a part of its main line or one of its branches; and this company is further authorized to lease and operate coal and iron mines upon the line of its main road or branches.

7. All taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

8. It shall be the duty of this corporation to locate its main line within two years from the date of the passage of this act, and to commence the work of construction within said time and complete the construction of its main line within five years from the date of the passage of this act.

9. This act shall be in force from its passage.

CHAP. 642.—An ACT for the relief of E. J. Frost and George W. Fairer, executors of A. C. Moore, deceased, and Frances Frost and Helen Rachel Fairer, the heirs-at-law and devisees of A. C. Moore, deceased.

Approved March 3, 1892.

Whereas by an act of the general assembly of the commonwealth of Virginia, approved March twelfth, eighteen hundred and seventy-eight, acts eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, pages one hundred and ninety-nine and two hundred, entitled an act for the relief of Wm. McGonigal, administrator of W. L. G. Kent, late collector of Tanner's creek township, in Norfolk county, and A. T. Nichols and A. C. Moore, his sureties, it was enacted inter alia: That when the true amount of the indebtedness of the said W. L. G. Kent, deceased, on account of the collection of taxes and public dues for the year eighteen hundred and seventy-three, shall be ascertained and determined by the county or circuit court of Norfolk county, that it shall be lawful for the said William McGonigal, administrator of the said W. L. G. Kent, deceased, or for A. T. Nichols and A. C. Moore, the

sureties on the official bond of said Kent, or either of them, to fully satisfy and discharge the liability so ascertained and determined (except so much as may be necessary to pay the reasonable fees of attorneys employed in the prosecution of the proceedings aforesaid against them) with consolidated bonds of the state of Virginia, with tax-receivable coupons attached: provided, however, that the auditor of public accounts shall first consent to and the attorney-general shall advise the same. And to the extent that any surety may contribute to the payment of said amount so ascertained as aforesaid, such payment shall constitute a charge upon the estate of the said W. L. G. Kent, deceased, if any, and be paid out of the assets, if any, in the hands of his personal representative; and said sureties, as amongst themselves, shall be liable to account one to the other upon legal principles of contribution; and

Whereas the said true amount of the indebtedness of said W. L. G. Kent, deceased, having been ascertained by order of the circuit court of the county of Norfolk, entered March thirty-first, eighteen hundred and seventy-nine, a judgment was entered and docketed in favor of the commonwealth of Virginia against William McGonigal, administrator of W. L. G. Kent, deceased, late collector of Tanner's creek township, in Norfolk county, and A. T. Nichols and A. C. Moore, his sureties, for ten thousand dollars, the penalty of his official bond, to be discharged by the payment of one thousand seven hundred and thirty-three dollars and sixty-eight cents, amount of state taxes of eighteen hundred and seventy-three, with interest at six per centum per annum from May first, eighteen hundred and seventy-four, until paid, and twelve dollars and sixty-five cents costs; and

Whereas on the fourth day of May, eighteen hundred and eighty, the said estate of the said W. L. G. Kent, and the said A. T. Nichols having in the meantime become insolvent, the said A. C. Moore, through his attorney and counsel, John H. Gayle, in pursuance of the above-mentioned act, paid to the auditor of public accounts the sum of one thousand three hundred and fifty dollars for the purpose of purchasing consolidated bonds of the state of Virginia, in amount sufficient to satisfy and discharge the principal, interest and costs of said judgment in the manner prescribed by the terms of said act; and

Whereas the said sum of one thousand three hundred and fifty dollars was exactly the sum necessary to purchase at that date said consolidated bonds in amount sufficient to satisfy and discharge in full the said judgment as of that date; and

Whereas the said amount of money was never used to purchase said bonds, in fact, but was covered into the

state treasury as of that date, as will appear by an entry on the blotter in the office of the auditor of public accounts as of that date, and that said John H. Gayle being now dead, legal proof of the transaction cannot now be had in the courts; and

Whereas the said judgment still appears on the face of the record as a lien, a charge against the estate of the said A. C. Moore, subject only to the payment of the said amount of one thousand three hundred and fifty dollars, charged as a credit against it, as of the said date of May fourth, eighteen hundred and eighty, and the said executors are powerless to have the same marked satisfied, although the same has in effect been fully discharged and satisfied according to the terms of said act; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the said E. J. Frost and George W. Fairer, executors as aforesaid of the said A. C. Moore, surety as aforesaid upon the official bond of W. L. G. Kent, deceased, and Frances Frost and Helen Rachel Fairer, the heirs-at-law and devisees of the said A. C. Moore and their assigns, are hereby released from the payment of any further sum or sums of money, by reason of the said judgment in favor of the commonwealth of Virginia above mentioned and described.

2. That the clerk of the county court of the county of Norfolk and the clerk of the corporation court of the city of Norfolk, in the clerk's office of which courts the said judgment was severally docketed, so as to become a lien upon real estate belonging to said Moore in said county and corporation, are hereby directed to mark the said judgment satisfied as to said A. C. Moore, his personal representatives, heirs-at-law, devisees, distributees and assigns by reference to this act: provided, however, that all costs attending the same shall be paid by the parties seeking relief under this act.

3. But nothing in this act shall be construed to affect in any manner the right of the said personal representatives to have contribution from the other surety upon said official bond, or to have a refunding from the estate of the said W. L. G. Kent, if any, for the amount already paid by said A. C. Moore, by reason of said judgment, or as relieving the said estate of Kent and the said Nichols from liability over to the estate of said Moore in any manner whatsoever on account of the amount already paid by him.

4. This act shall be in force from its passage.

CHAP. 643.—An ACT to allow C. W. Woolfolk, treasurer of Orange county, further time to collect taxes.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That C. W. Woolfolk, treasurer of Orange county, be empowered to collect the taxes that remain in his hands uncollected for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, and eighteen hundred and ninety (the said treasurer having accounted to the state for the same), which have not been returned delinquent by distress or levy, and that the time for his collection of said taxes be extended for one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 644.—An ACT for working and keeping in repair the roads in Grayson county.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the supervisors of the county of Grayson to take charge of and have kept in order the public roads in said county; and in order thereto they shall, as soon as practicable after this act shall take effect, proceed to lay off all the public roads in said county in road precincts, properly designating each precinct, and apportion the hands thereon according to equity and the convenience of the hands.

2. The said board of supervisors shall annually levy a tax not exceeding twenty cents on the hundred dollars, on all the taxable value in said county upon which state taxes are levied, for the purpose of keeping in order the public roads in the county; and the fund arising from said tax shall be set apart for that purpose, and no other, and shall be collected as other county taxes are collected; and the funds of each magisterial district shall be kept separate by the treasurer, and shall be appropriated and paid out under the order of the said board of supervisors.

3. After first advertising the same for at least thirty days, it shall be the duty of the said board of supervisors to let to contract to the lowest bidder all the road precincts in the county—separately or otherwise, as they may deem best (said supervisors may, however, reject any bid which may to them appear unreasonable)—during the month of

May every two years, the contract year to be from first of June. Each contractor shall be entitled to the labor of all the hands assigned to work on the road which he may contract to keep in order, in addition to the sum of money specified in his contract, and all of said hands shall, upon notification by the contractor, work on their road precincts under his direction and management the number of days provided for in this act, eight hours of labor taken and held to be a day's work.

4. All able-bodied male persons between the ages of sixteen and sixty years, except ministers of the gospel and those exempt by law, shall be required to work the road two days in each year on old roads, and two days on new roads, but no hand or company of hands shall be carried more than a distance of four miles to work on any new road.

5. If any person whose duty it is under the law to work on the public roads shall fail to do so when required by the contractor, either in person or by a satisfactory substitute, with proper tools, it shall be the duty, if of full age—if not, then of his parents or guardian—within thirty days after such failure, to pay to such contractor a fine of seventy-five cents for each day's failure; and if he or his parents or guardian shall fail to do so within the time prescribed, then the contractor may make out a ticket, adding thereto twenty-five cents, and place the same in the hands of a constable or sheriff of the county for collection, who shall receive and collect the same by distress or otherwise as taxes or county levies are collected, and pay over to the contractor the amount of all so collected, reserving the twenty-five cents added to such fines as his fee for collecting the same.

6. If such constable or sheriff shall fail to pay over the amount of any such tickets for sixty days after they shall have been placed in his hands, or return the same as insolvent to the contractor, he and his sureties shall be liable to such contractor on his official bond for the amount of such fines, to be recovered by motion before a justice of the peace or the county court of the county. Nothing herein shall be so construed as to prevent any contractor from reissuing any ticket which may have been returned insolvent, or from collecting the same at any time within five years from such return.

7. The board of supervisors shall, after proper notice of the time and place, proceed during the month of May to let to contract, at the lowest bid, all the road precincts of the county, to be kept in order according to law. Each contractor shall execute bond with good security in double the amount of his contract, payable to the board of supervisors, for the use of the county, conditioned faithfully to execute the same, which bond shall be returned and filed

in the county court clerk's office for safe-keeping. It shall be the duty of the supervisors each to see that the work is done according to contract in their respective districts.

8. It shall be the duty of the commissioners of the revenue of each district in said county to extend the road levy on their books without any additional compensation.

9. The opening of all new roads or changes in old roads and the erection of all bridges shall be done by contract made with the supervisors in the manner and under the same regulations that contracts for working the roads in said county are made, except that any one of said board may let to contract any new road or bridge to be built in his district, and the contract shall, after having been approved by the board of supervisors, be certified to the county court for its approval, and shall not be binding on the county until approved by said court.

10. The members of the board of supervisors shall each receive the sum of fifteen dollars annually for the additional duties imposed upon them.

11. It shall be the duty of each supervisor to see that the roads in their respective districts are kept in legal repair, and to make out a list of all contractors who have failed to perform faithfully their contracts for keeping the roads in repair, at least twice a year, and deliver the same to the commonwealth's attorney for the county.

12. When the commonwealth's attorney shall have received notice of the default of any contractor, as provided in section eleven, he shall, at the next term of the county court thereafter, submit a motion for a rule against the contractor to show cause why his bond should not be forfeited. Upon the return of the rule executed, and after hearing any evidence introduced by either party, the court may make such order as may seem just and right.

13. All acts and parts of acts in conflict with this act are hereby repealed.

14. This act shall be in force from its passage.

CHAP. 645.—An ACT to incorporate the Norfolk and Newport News ferry company.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That Manning C. Staples, William Marshall, junior, Samuel D. Davies, Edmund R. Morris, and F. DeFuniak, or any three of them, their associates and successors, are hereby constituted a body corporate and politic by the name of the Norfolk and Newport News ferry company,

and as such shall have all the franchises, rights, privileges, and immunities appropriate to a corporation under the laws of the state of Virginia.

2. The said company shall have the right to purchase, lease, hold, equip, furnish, and manage two or more steamboats or other vessels for the purpose of establishing and maintaining a ferry between the city of Norfolk and the town of Newport News, and between Old Point and Willoughby Spit, Norfolk, and intermediate points, and may convey and transport passengers, teams, vehicles, freight, and all other things and persons which, in the opinion of the board of directors, it may be desirable to convey and transport; and the said company shall have the right to charge and collect, by due process of law, such reasonable tolls, rates, or charges for such conveyance or transportation as the board of directors may prescribe.

3. The capital stock of the said company shall not be less than twenty-five thousand dollars nor more than five hundred thousand dollars, and each share shall be of the par value of one hundred dollars and entitled to one vote; and the board of directors may, at any time, by a majority vote, increase the capital stock to any amount between the aforesaid minimum and maximum as to them may seem advisable; and subscriptions for the capital stock may be paid in money, labor, services, or any other property or thing which the board of directors may deem valuable for the purposes of the company, at such valuation as they may accept.

4. The said company may acquire and hold by lease, purchase, condemnation, or otherwise, such real estate at each of its said termini as may be needed for its purposes, and may build thereon such docks, wharves, warehouses, and other structures as may be necessary or proper; and may borrow money, and for that purpose may issue bonds or other evidences of debt secured by deed of trust or mortgage upon its franchises, rights, and property; and may sell, lease, or otherwise dispose of its franchises, rights, and property to any other person or persons: provided, however, that said company shall not establish any wharf or landing place within four hundred yards of any terminal of any other ferry or transportation line now in operation, and said company shall not have the power to condemn the property of any company owning any such ferry or transportation line.

5. The said company shall carry out the provisions of this act within three years from its passage.

6. The general assembly reserves the right to amend, alter, or repeal this act at pleasure.

7. All taxes due or to become due to the commonwealth of Virginia by said company shall be paid in lawful money of the United States, and not in coupons.

8. This act shall be in force from its passage.

CHAP. 646.—An ACT appointing trustees for the town of York, in the county of York.

Approved March 3, 1892.

Whereas by an act passed November, seventeen hundred and thirty-eight, entitled an act for establishing a town in the county of York, Lawrence Smith and Thomas Nelson were appointed trustees of the town of York, in the county of York; and whereas it was provided by said act that in case of the death, removal out of the county, or other legal disability of any one or more of said trustees, it should be lawful for the remaining trustees to elect others in their stead; and whereas by an act approved March thirteenth, eighteen hundred and seventy-two, entitled an act appointing trustees for the town of York, in the county of York, all the aforesaid trustees having either died resigned, or removed, by which vacancies had occurred, Nathaniel Taylor, senior; John Sheldon Jones, William H. Shield, junior; J. R. Shield, Robert Norton, Lem Van Boskerck, and Beverly Cobbs were appointed trustees of the town of York, in the county of York, with all the rights, powers, and duties conferred on trustees, either by the act of assembly passed November, seventeen hundred and thirty-eight, not inconsistent with the general laws of the state relating to towns; but whereas all the said trustees have either died, resigned, or removed from the county, by which vacancies have occurred, and for the purpose of putting in force the acts aforesaid; therefore,

1. Be it enacted by the general assembly of Virginia, That J. W. Clements, R. N. Crooks, and Robert Norton be, and they are hereby, appointed trustees of the town of York, in the county of York, with all the rights, powers, and duties conferred on trustees, either by the act of assembly passed November, seventeen hundred and thirty-eight, or the act approved March thirteenth, eighteen hundred and seventy-two, not inconsistent with the general laws of the state relating to towns, or by chapter forty-four of the code of Virginia of eighteen hundred and eighty-seven, or any general law subsequent thereto.

2. This act will be in force from its passage.

CHAP. 647.—An ACT incorporating the Association for the preservation of Virginia antiquities.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That Belle S. Bryan, Cynthia B. T. Coleman, Mary Jeffrey Galt, Parke C. Bagby, Elizabeth Henry, Lyons, Mary Pe-

gram Anderson, Ann S. Meredith, and such other persons as are now associated under a charter granted by the circuit court of the city of Richmond on the thirteenth day of February, eighteen hundred and eighty-nine, under title of the Association for the preservation of Virginia antiquities, or may hereafter become associated with them, are hereby constituted a body corporate by the name of the Association for the preservation of Virginia antiquities, for the purpose of acquiring, holding and preserving real and personal property relating to the history of Virginia, and particularly to restore and preserve the ancient historic buildings, tombs, monuments and grave-yards, and to acquire by purchase, gift or otherwise, the sites of such property, buildings, tombs, and grave-yards with a view to their perpetuation and preservation.

2. The principal office of said association shall be in the city of Richmond, Virginia, and the said association shall have power to establish branch associations in such other places as said association may select; and the branches so established shall be subordinate to and governed by the parent association established in the city of Richmond; and the parent association may make such rules, by-laws and regulations for the government of the branch associations as to it may seem proper and necessary.

3. The said association shall have power to make and adopt a constitution and by-laws, rules and regulations for the admission of its members and the members of its branch associations, the election of its officers, and to define the rights and interests of members and the duties of officers, and for the safe-keeping and preservation of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations: provided that the same be not inconsistent with the constitution and laws of the United States or of the state of Virginia.

4. The association shall have the power to receive, use, manage and dispose of all funds and property, either real or personal, that may be purchased, granted, donated, devised or bequeathed it, in such manner and to such amount as shall seem to it best calculated to advance the objects of its incorporation.

5. All the property, real, personal or mixed, which said association now owns or may hereafter acquire by gift, purchase or otherwise, shall be exempt from all state, county and city taxes or levies.

6. The amount of real estate which the association may hold at any one time shall not exceed five thousand acres.

7. Any general meeting of the members of the association, regularly called, at which there are present not less than twenty members, shall be deemed a lawful meeting for the transaction of any and all of the business of the association.

8. All acts hitherto done by the persons associated together as the Association for the preservation of Virginia antiquities, and the purchases of all property in the name of said association, are hereby ratified and confirmed as if said persons had at the time been regularly incorporated as said association.

9. This act shall be in force from its passage.

CHAP. 648.—An ACT to authorize the qualified voters of Appomattox county to vote upon the question of the removal of the court-house of said county.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the judge of the county court of Appomattox county, upon the application of two hundred qualified voters of said county, to order the officers conducting elections at the several election precincts in said county, on the fourth Thursday in April, in the year eighteen hundred and ninety-two, to open a poll for the purpose of ascertaining the sense of the qualified voters of said county as to whether or not the site of the court-house of said county shall be changed from its present location to Appomattox depot, in said county.

2. The said election shall be conducted by ballot, and said ballots shall have written or printed thereon: "For removal of the court-house to Appomattox depot;" or, "Against removal of court-house to Appomattox depot."

3. The manner of receiving and canvassing the ballots cast at said election on said question and making returns and abstracts thereof, shall conform in all respects to the requirements of the general election law of the state, and the commissioners of election shall canvass said returns in like manner as other election returns, and certify the votes cast "for removal" and "against removal," respectively, to the county clerk of said county.

4. In the event that a majority of the registered voters of said county shall be polled in favor of the removal, then the site of the court-house shall be changed, and the board of supervisors of said county shall take steps to carry into effect the wishes of the people so expressed by the erection of a court-house and other necessary buildings.

5. It shall be the duty of the county court of said county to give at least thirty days' notice of said election.

6. This act shall be in force from its passage.

CHAP. 649.—An ACT for the relief of John B. Frazier, of Pulaski county, Virginia.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That John B. Frazier, who has become totally blind from the effects of disease contracted while in the service of the late Confederate States of America, in the late war between the states, shall be entitled to aid under an act of the general assembly of Virginia, approved March fifth, eighteen hundred and eighty-eight, entitled an act to give aid to the soldiers, sailors, and marines of Virginia maimed or disabled in the war between the states.

2. This act shall be in force from its passage.

CHAP. 650.—An ACT for the relief of William Isom, senior's personal representative and estate.

Approved March 3, 1892.

Whereas at a county court held for Grayson county, December third, eighteen hundred and eighty-nine, William Isom, senior, was tried on indictment in said county for retailing liquor without a license, and was found guilty, and fined one hundred dollars and thirty dollars and thirty-seven cents costs; and whereas in the trial of said cause that William Isom had sold only twenty-five cents worth of liquor; and whereas in the year eighteen hundred and ninety-one, the said William Isom departed this life without paying off the said fine and costs, leaving a wife and six infant children in destitute circumstances, leaving a small farm, worth about two hundred dollars, the only property he owned at the time of his death; and whereas to force the payment of the fine and costs aforesaid out of this small farm would have the effect to entirely break the family up and drive the children to the poor-house of the county; therefore,

1. Be it enacted by the general assembly of Virginia, That William Isom's personal representative and his estate, be, and is hereby, relieved of the payment of said fine aforesaid of the county court of Grayson county, rendered at the December term, eighteen hundred and eighty-nine, against William Isom, senior, now deceased.

2. This act shall be enforced from its passage.

CHAP. 651.—An ACT to provide for the working of public roads in the counties of Richmond and Lancaster.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the counties of Richmond and Lancaster be, and they are hereby, directed to levy a tax of not exceeding fifteen cents on the one hundred dollars of assessed value of property in said counties, respectively, the tax so collected to be used for the working and keeping in order the public roads of the said counties. The said boards of supervisors shall have full power to disburse and expend the funds arising from such levy in their respective counties in such manner as may seem to them right and proper for carrying into proper execution the objects of this act. But said boards of supervisors are also directed to keep separate the funds collected from each magisterial district in their respective counties, and the same shall be all expended in the district in which it was collected.

2. Every male citizen between the ages of eighteen and sixty years in the said counties of Richmond and Lancaster are hereby required to perform two days' work in every year, of eight hours for each day, on the public roads in the respective counties in which they live. Any person failing to perform the work as herein above provided shall pay one dollar for each day of such failure, the said sum to be collected by the treasurer of his county as taxes and fines are collected, and when collected by said treasurer the same shall be turned over by him to the road fund of his county.

3. All acts and parts of acts inconsistent with this act shall be, and the same are hereby, repealed.

4. This act shall be in force from its passage.

CHAP. 652.—An ACT to incorporate the Bridgewater and Forge granite and lumber company.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That M. B. Rowe, H. Von Schon and J. B. Ficklen, of Virginia; George H. Carpenter, of Pennsylvania, and George W. Silsby, of the District of Columbia, or such of them as may accept this act be, and are hereby, constituted a body corporate, under the name and style of the Bridgewater and Forge granite and lumber company, and under

that name shall have perpetual succession and a common seal, which they may amend or alter at pleasure; shall sue and be sued, implead and be impleaded, contract and be contracted with, and have and exercise all the powers and privileges of a corporation granted by the general laws of the commonwealth not inconsistent with this act.

2. The capital stock of this company shall not be less than five thousand dollars, which may be increased to one hundred thousand dollars, in shares of one hundred dollars each, and the directors may receive real or personal property or services in payment of subscriptions at such valuations as may be agreed upon.

3. The said company is authorized and empowered to purchase, hold, own, lease, and control in any manner, grant, bargain, sell, mortgage, convey, and otherwise dispose of any real or personal estate or standing timber in this state or elsewhere: provided said company shall not hold more than two thousand acres of land in any one county at the same time; and to lay out said lands or any part thereof into parcels or lots of convenient size, with intervening roads, lanes, streets, and alleys, and develop, work, improve, and cultivate, or otherwise use or dispose of same in such manner and upon such terms as the said company may think proper.

4. The said company is authorized and empowered to mine and quarry any stone or mineral substance, and to prepare and manufacture the same for use and sale in all manner of forms it may adopt; and to manufacture and prepare for market and sell timber, wood, and stone, and all other raw materials, mineral or vegetable, and for this purpose may erect and operate all kinds of mill-works, furnaces, coke-ovens, and machinery of any and every description, for the enjoyment of the privileges herein granted to the fullest and most ample extent.

5. And it shall be lawful for said company to construct and operate one or more railroads, not exceeding fifty miles in length, from any of their properties in the state of Virginia to any point on the Rappahannock and Potomac rivers, the Virginia Midland and the Richmond, Fredericksburg and Potomac railroads, or on the line of any other railroad hereafter to be built which may pass through the counties of Spotsylvania, Stafford, Orange, Culpeper and Fauquier, and for these purposes the said company is authorized to acquire the right of way, by purchase or otherwise, according to the laws of Virginia, and also to acquire in like manner all such lands as may be necessary for the complete equipment and construction of its roads, stations, locks, and dams; and the said company shall have power to consolidate, lease out, or connect its railways or canals with any line of railway now or hereafter constructed in the aforesaid counties.

6. The said company may issue bonds at such times and for such amounts as it may deem proper, either for the purposes of developing its property and facilitating its business or constructing a railroad, and may execute mortgages on any part or all of its property and franchises and upon its railroads to secure the payment thereof.

7. The above-named corporators shall be directors for the first year, and shall select a president and appoint a secretary and treasurer, and the board shall have power to manage and control the affairs of the company and to adopt such by-laws and regulations as may be enacted by the stockholders, and the time, place and manner of holding meetings of stockholders and the mode of conducting the business shall be fixed by the by-laws.

8. The board of directors may establish offices and agencies at such places as they deem proper, but the principal office of the company shall be located at Fredericksburg, Virginia.

9. No stockholder in said company shall be held or made responsible for its debts or liabilities in a larger sum than the amount of any unpaid balance due the said company for stock subscribed by the said stockholder.

10. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

11. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves the right to modify, alter or repeal this act at any time hereafter.

CHAP. 653.—An ACT to amend the charter of the city of Charlottesville.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That sections thirteen, fourteen, and twenty-six of an act to provide a new charter for the town of Charlottesville, approved March twenty-eighth, eighteen hundred and seventy-one; and sections four and thirty-seven of the act amending said charter, approved March second, eighteen hundred and eighty-eight; and section one of act approved April seventh, eighteen hundred and seventy-seven; and section twenty-three of act approved April fourth, eighteen hundred and eighty-seven, amending said charter, be amended and re-enacted so that said sections shall hereafter be as follows:

§ 4. There shall be elected by the council of said city, from among the qualified voters of said city, an overseer

of the poor, a street commissioner, and such officers and clerks as they may deem proper and necessary, and any one or more of said offices may be held and exercised by the same person. The officers herein mentioned shall be appointed or elected by the council within thirty days after the qualification of a majority of the members thereof, and shall exercise the duties of their respective offices for the term for which members of the council have been elected, unless sooner vacated by death, resignation, removal, or for other cause.

§ 13. The council, so constituted, shall have power, within said city, to lay off, open, curb, and pave streets, alleys, walks, and gutters, for public use; and to alter, improve, and light the same, and have them kept in good order and free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways, and gutters to be curbed, graded, paved, and kept in good order, free and clean by the owners or occupants thereof; to lay off public grounds, and to provide, contract for, and take care of all buildings necessary for the use of the city; to establish and regulate markets, to prescribe the time for holding the same, and what articles shall be sold in such markets; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive, or unwholesome; to protect places of divine worship in and about the places where held; to abate or cause to be abated anything which, in the opinion of three-fourths of the council, shall be a nuisance; to regulate the keeping of gun powder or other combustibles; to provide, in or near the city, places for the burial of the dead, and to regulate interments in the city; to provide for the building of houses or other structures, and for the making of division fences, and for the draining of lots by proper drains and ditches; to make regulations for guarding against damage or danger from fires; to provide for the poor of the city, and appoint and publish the places of holding the city elections; to provide a revenue for the city, and approximate the same to its expenses; to provide the annual assessment of taxable persons and property in the city; to establish rules for the transaction of business and for the government and regulation of its own body; to promote the general welfare of the city, and to protect the property of persons therein, and to preserve peace and good order, keep a city police force; to require and take from the city's chief of police and treasurer bonds, with such securities, and in such penalty, as the council may see fit, which bonds shall be made payable to the city by its corporate name, and conditioned for the faithful discharge of their duties; to permit or prohibit the establishment of new places for the interment of the dead in or near the city, and to regulate the same; to erect or authorize, or

Prohibit, the erection of gas-works or water-works in or near the city; to prevent injuries to the same; to prohibit the pollution of the water which may be provided for the use of the city; to establish and construct sewers or public ducts for city purposes through the streets, lanes, squares or commons, or wherever else they may deem expedient; to pass all by-laws, rules and ordinances not repugnant to the constitution and laws of the state, which it may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property; and to do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity or jurisdiction which is or shall be granted to or vested in said city, or in the council, court or officers thereof, or which may be necessarily incident to a municipal corporation; and to enable the authorities of said city more effectually to enforce the provisions of this section, their jurisdiction is hereby declared to extend one mile beyond its corporate limits. But whenever any new street shall be opened, any existing street or sidewalk be graded or paved, or any culvert or other public improvement be made, the city council may determine what portion of the expenses thereof shall be paid by the city and what portion by the owners of the real estate benefited thereby, or may order that the whole expense be borne by the owners of such real estate. The assessments made against the owners of such real estate for such improvements shall be a lien on said property, and may be collected by the same officer and in the same manner as city taxes and levies; but no such public improvements shall be made, to be defrayed in whole or in part by a local assessment, unless first requested by a petition signed by at least a majority of the owners of property to be assessed for such improvement, or unless, in ordering such improvement, three-fourths of the whole council shall concur.

§ 14. To carry into effect the powers herein enumerated and all other powers conferred upon said city and its council by the laws of Virginia, said council shall have power to make and pass all needful and proper orders, by-laws and ordinances not contrary to the constitution and laws of said state, and to prescribe and impose reasonable fines or penalties or to impose imprisonments in the city jail for a period not exceeding thirty days, in cases of contempt or to enforce the collection of fines; which fines, penalties or imprisonments shall be imposed, recovered or enforced under the judgment of the mayor or any one of the aldermen of said city. And the authorities of said city may, with the consent of the county court of Albemarle county, entered of record, use the jail of said county for any pur-

poses for which the use of a jail may be needed by them, under the acts of the council or of the state of Virginia: provided, however, that in all cases where a fine is imposed by the mayor, any alderman, or by the council exceeding ten dollars, the party or parties so fined shall have the right of appeal to the hustings court of said city.

§ 23. The council of said town may negotiate any loan or loans, for the purpose of improving the streets, lighting the same, buying necessary real estate, erecting public buildings, supplying the town with water, sewerage, and for other purposes; and shall have authority to issue registered and coupon bonds for the said loan or loans, payable not more than forty years after the date of said bonds, unless such loan or loans be made for the purpose of supplying the town with water, in which case the bonds may be made payable not more than forty years after their date; and said bonds shall bear interest at a rate not greater than eight per centum, payable semi-annually: provided that two-thirds of the council of said town shall approve and authorize said loan or loans: and provided further, that said loan or loans shall be sanctioned by three-fifths of the qualified voters of said town voting upon the question; which three-fifths shall include a majority of the votes cast by those tax-payers of the town, at such election, who pay a tax on real or personal property assessed at five hundred dollars or upwards; and, also a majority of the registered voters of said town, to be ascertained by a vote taken and conducted in the manner authorized for any election under the charter of the said town, after having given notice thereof by publication for four weeks successively, in one or more of the newspapers published in the said town. And at any election held under this section, each ballot shall be endorsed with the name of the voter, which shall be inspected by the officer or officers conducting the election at their respective voting places: and provided further, that the council of said town shall annually invest in Virginia state or United States bonds, as a sinking fund, such proportion of the revenue of said town as shall be equal in cash value to one twentieth of said loan or loans; or in case said loan or loans be made for the purpose of supplying the town with water, such proportion of such revenue as shall be equal in cash value to one-fortieth of the loan or loans made for that purpose; which sinking fund shall be used exclusively for payment of the bonds issued for said loan or loans. Any bond issued under the provisions of this section shall be regularly numbered, signed by the mayor, clerk and treasurer, and recorded in a book to be kept for that purpose.

§ 26. The mayor shall have power to suspend, and the council shall have power to remove, all other city officers,

the chief of police and the policemen, whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without a reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defence.

§ 37. There shall be elected by the qualified voters of the city of Charlottesville on the fourth Thursday in May, eighteen hundred and eighty-eight, one clerk of the corporation court, who shall hold his office for the term of six years; one commonwealth's attorney, one sergeant and one commissioner of the revenue, who shall hold their offices for the term of two years; one city treasurer, one justice and one constable, who shall hold their offices for the term of three years. And there shall be established for the city of Charlottesville a corporation court, to be held by the city judge of said city at such times as may be designated by law and for a term not exceeding twenty days in each month; and the jurisdiction of said court shall be such as is now prescribed by law, and the salary of said judge shall be fixed by the city council at a sum not exceeding eight hundred dollars per annum; and the city of Charlottesville shall remain a part and parcel of the same legislative and senatorial district to which it belonged as the town of Charlottesville.

§ 38. That the corporate authorities of said city be, and they are hereby, authorized and empowered to erect suitable dams and reservoirs and to lay suitable pipes to supply said city with an adequate supply of water, and to establish and construct a sewerage system for said city; and for such purposes to acquire, either by purchase, or by condemnation according to the provisions of the general law for the condemnation of lands by incorporated cities, such lands and so much thereof as may be necessary for the aforesaid purposes.

2. This act shall be in force from its passage.

CHAP. 654.—An ACT to amend and re-enact section 2 of an act passed by the general assembly of Virginia entitled an act to incorporate the Bland county land improvement, development and transportation company, approved February 22, 1890.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of an act approved February twenty-second, eighteen hundred and seventy, entitled an act to incorporate the Bland county land improvement, development and transportation company be amended and re-enacted so as to read as follows:

§ 2. The capital stock of said company shall be not less than one thousand dollars, and may be increased in any amount not exceeding two million dollars by issue and sale of shares, the par value of which shall not be less than fifty dollars, under such regulation as the board of directors shall, from time to time, determine; and the directors may receive real or personal property suited to the business of the company in payment of subscription to the capital stock at such valuation as may be agreed upon between the directors and subscribers, and otherwise sell and dispose of said stock in such manner and upon such terms and at such price as the board of directors may prescribe.

2. The incorporators named in said act may organize thereunder at any time within one year from the passage of this act.

3. This act shall be in force from its passage.

CHAP. 655.—An ACT to amend and re-enact sections 1, 11 and 12 of an act entitled an act to incorporate the Virginia mineral belt railroad company, approved February 20, 1886.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That sections one and eleven of an act entitled an act to incorporate the Virginia mineral belt railroad company, approved February twentieth, eighteen hundred and eighty-six, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That St. George R. Fitzhugh, Maurice B. Rowe, James S. Knox, W. A. Little, junior, Horace F. Crismond, E. D. Cole, T. McCracken, of the town of Fredericksburg; J. L. Powell, J. P. H. Crismond and L. M. Smith, of Spotsylvania county; Isaac T. Smith, of New York; Charles J. Gorham, of Rhode Island; Gilbert R. Fox, of Pennsylvania; R. B. Smith, of Baltimore; A. F. Randall, of Washington; E. J. Godfrey, of Pennsylvania; C. A. Bryan, of Stafford county; R. A. James, of Danville; C. S. Thomas, of Fluvanna county; S. F. Coleman, of Cumberland county; E. Berkeley, of Prince William county; W. E. Bibb, A. P. Talley, J. E. Bibb, J. W. Flannagan, Jesse J. Porter, W. O. Smith, P. B. Porter, J. F. Bickers, J. W. Baker, J. R. Crank, W. R. Goodwin, W. J. Coleman, L. Levy, J. C. Carpenter, J. J. Boxley and C. B. Vest, of Louisa county; A. R. Blakey, of Albemarle county; W. E. Leake and T. C. Leake, of city of Richmond; and W. H. Adams and

Sol Hexter, of New York, their associates, successors and assigns, be, and they are hereby, made and declared a body politic and corporate, by name of the Virginia mineral belt railroad company, for the purpose of locating, constructing, equipping, maintaining and operating a railroad from some suitable point at or near Quantico or Matthias Point, in the counties of Prince William and King George, running through the counties of Prince William or King George, Stafford, Spotsylvania, Louisa, Goochland, Cumberland, Fluvanna, Buckingham, Appomattox or Prince Edward, Campbell or Charlotte, Halifax and Pittsylvania, to Danville, or some point within twenty-five miles of same: provided that said railroad shall be located on the most direct practicable route from said point on the Potomac, or from Fredericksburg to Danville, and shall have no power to build branches more than ten miles in length on the east side thereof, or any branch whatever east of the main stem until the said main stem shall have been completed and put in operation, except for construction purposes: and provided further, that no part of said main stem shall be operated north of Fredericksburg, until that portion between Mineral City and Fredericksburg shall have been completed and put in operation, except for construction purposes.

§ 11. The said Virginia mineral belt railroad company shall commence work under this bill within two and complete the same within ten years from the passage of this act amendatory of the original bill.

§ 12. This company may acquire title to mineral and timbered lands along the line of its road not exceeding fifty thousand acres, for the purpose of providing freights for its road.

§ 13. This company may acquire title to such lands as may be necessary, not exceeding five hundred acres, at its terminus on the Potomac river, and at or near Fredericksburg, for the purpose of erecting and maintaining such docks, wharves, ways, shops, sheds, offices, quarters, storehouses, et cetera, thereon as may be suitable and convenient for the accommodation of all classes of steam and sailing craft; the building, repairing and sheltering of all kinds of railroad stock; the shipping, transporting and storing of merchandise and property subject to transportation; and said company is empowered to own, charter and run or navigate vessels of every sort necessary to develop, accommodate and increase its traffic.

§ 14. The principal office of this company shall be in the town of Fredericksburg, Virginia.

2. This act shall be in force from and after its passage.

CHAP. 656.—An ACT to incorporate the East Virginia and Tide-water railroad company.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That John Tyler, F. E. Montague, J. A. Tyler, Robert McCandlish, and John F. T. Anderson, or any five of them, their associates and successors, are hereby constituted a body politic and corporate by the name of the East Virginia and Tide-water railroad company, and as such may have all the privileges, franchises and immunities applicable to such a corporation.

2. The said company may construct and operate a railroad from some point in the counties of Hanover or Spotsylvania, to some point on or near the Chesapeake bay, in the counties of Middlesex, Gloucester, or Mathews, passing through all or any of the following counties: Spotsylvania, Hanover, Caroline, Essex, King William, King and Queen, Middlesex, Gloucester, and Mathews; and may build branch lines not exceeding twenty miles in length to any mineral or other land that may be owned by said company, or to any furnace, manufactory or any public improvement.

3. The capital stock of said company shall not be less than ten thousand dollars nor more than two million dollars, except as hereinafter provided, divided into shares of one hundred dollars each. The said stockholders shall have a right to increase said capital stock beyond the said two million dollars, but not to exceed five million dollars, by a two-thirds vote in general meeting of stockholders. Stockholders shall be entitled to one vote for each share of stock.

4. The said company may acquire by contract, lease, purchase, or consolidation, the property and franchises of any other company upon such terms as may be mutually agreed upon: provided, however, that all existing obligations on either be preserved and maintained; and it shall have the power and right in like manner to transfer its franchise and property by sale or consolidation to any other company.

5. It shall be lawful for said company to borrow money, to issue bonds and other evidences of debt, and to secure the payment of the same by mortgages, deed of trust, or otherwise.

6. The said corporation shall have its principal office in Virginia, and may have a general office in such place without the state as the stockholders may designate.

7. The said corporation shall have the power to make any regulations or laws for its government not inconsistent with the constitution and laws of Virginia, or with those of the United States.

8. The said road shall be commenced in two years and completed in five years from the passage of this act.

9. All taxes due the commonwealth shall be paid in lawful money of the United States, and not in coupons, including the tax on this charter.

10. This act shall be in force from its passage.

CHAP. 657.—An ACT for the protection of game in the county of Hanover.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall not be lawful for any person to kill or capture deer in the county of Hanover between the first day of January and the fifteenth day of August in each year.

2. It shall not be lawful to kill or capture partridges in the said county between the fifteenth day of January and the fifteenth day of October of each year.

3. It shall not be lawful to kill or capture wild turkeys in said county between the fifteenth day of March and the first day of November of each year.

4. It shall not be lawful at any time to take or destroy the eggs of partridges or quails, pheasants, or ruffed grouse, or wild turkeys, or catch them with nets or traps.

5. Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof before any court or justice of the peace, shall be fined twenty dollars and imprisoned in jail until said fine is paid, but not exceeding thirty days.

6. In so far as existing acts or parts of acts are in conflict with the provisions of this act, they are hereby repealed.

7. This act shall be in force from its passage.

CHAP. 658.—An ACT for the relief of H. C. Fox, a wounded ex-Confederate soldier.

Approved March 3, 1892.

Whereas H. C. Fox, a Confederate soldier and a private in company I, Forty-seventh Virginia regiment of infantry, was wounded and thereby disabled, and though not within the class described in the general statute as entitled to pensions, is rendered helpless to a degree that justly entitles him to receive a pension; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to list the said H. C. Fox for the pension of fifteen dollars.

2. This act shall be in force from its passage.

CHAP. 659.—An ACT to repeal an act entitled an act to incorporate Lee district, in the county of Henrico, approved January 31, 1890.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the act entitled an act to incorporate Lee district, in the county of Henrico, approved January thirty-first, eighteen hundred and ninety, be, and the same is hereby, repealed.

2. That any and all taxes levied under and by virtue of said act be, and the same are hereby, remitted and released.

3. That the treasurer of Henrico county shall refund to any land-owner in said district whatever amounts he may have paid into the treasury on account of such special levy.

4. This act shall be in force from its passage.

CHAP. 660.—An ACT to empower the county court of Buckingham, upon evidence, to certify the claim of Mrs. Sallie A. Wade to the auditor of public accounts to be listed as other pensioners.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the judge of the county court of Buckingham be, and he is hereby, empowered, upon proof before said court, that Mrs. Sallie A. Wade, whose husband was killed in the Confederate war, has not been paid by the state of Virginia the pension to which she was entitled by law for any one year or years, to certify the claim of the said Mrs. Sallie A. Wade, as provided by law, to the auditor of public accounts of Virginia; and upon such certificate the claim of said Mrs. Sallie A. Wade is to be listed for the pension of thirty dollars per year as provided by law for such persons.

CHAP. 661.—An ACT to authorize the school trustees of Abingdon district, in the county of Gloucester, to borrow money and issue bonds therefor.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of school trustees of Abingdon school district, number ———, in the county of

Gloucester, to borrow money not to exceed the sum of twelve hundred dollars, and to issue bonds therefor, to bear interest at a rate not greater than six per centum per annum.

2. That the money so borrowed by the said board shall be expended for the purpose of improving, enlarging, and building school-houses within the limits of the said school district, and in paying such debts as have heretofore been contracted for the purpose aforesaid.

3. That the said bonds shall be issued in such denominations as the said board shall prescribe, and bear interest not to exceed six per centum per annum, payable annually, and the principal thereof to be paid in not less than five nor more than twenty years after date, the said board to reserve the privilege of paying the same at any time, and shall be in the form following:

Know all men by these presents, That _____ school district, number _____, of the county of Gloucester, is justly indebted to _____, or bearer, in the sum of _____ dollars, redeemable at the pleasure of the board of school trustees of said district, and payable on the _____ day of _____, to bear _____ per centum interest from date, payable annually.

In testimony whereof the board of school trustees of the said district have caused the corporate seal of said district to be affixed hereto, and these presents to be signed by its chairman and attested by its clerk this _____ day of _____.

And shall be signed by the chairman and clerk of the said board, and have the corporate seal of the said school district affixed thereto.

4. That when the said bonds shall be issued in accordance with this act, the property of the said school district shall be pledged for the payment of the principal and interest thereof, according to their tenor and date; and the said board of school trustees shall provide for the payment of the accruing interest and at least one-twentieth of the principal of the said bonds annually, and shall include in the annual estimate of the amount of money which will be needed in said district under clause eight, section fourteen hundred and sixty-six of the code of eighteen hundred and eighty-seven, a sufficient sum for that purpose in addition to what shall be necessary to defray other lawful expenses therein mentioned, which sum shall be appropriated to the payment of the said interest and provide for a fund for the redemption of the said bonds.

5. That the said bond or bonds may be issued and sold by the said board for the purpose of raising the said sum of money: provided that they shall not be sold for less than their par value.

6. This act shall be in force from its passage.

CHAP. 662.—An ACT authorizing the Waverly district school trustees of the county of Sussex to sell land, etc.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the Waverly district school trustees of the county of Sussex be, and they are hereby, authorized to divide into lots, sell and convey so much of the land held by them, in the town of Waverly, as they may deem proper and desirable over and above one acre, which shall be reserved for the use of the public school in said town—the proceeds of such sale to be used for the general improvement of the public school property in the town of Waverly.

2. This act shall be in force from its passage.

CHAP. 663.—An ACT to incorporate the Southwest mining, development and construction company.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That Charles Gallagher, J. N. Stubbs, William Campbell, C. O. Swann, S. D. Davis, A. R. Micou and Rush Taylor, and their associates, or such of them as may accept the provisions of this act, and such persons as may be hereafter associated with them, and their successors, be, and they are hereby, constituted a body politic and corporate, under the name and style of the Southwest mining, development and construction company.

2. The said corporation may, by or under its corporate title, make and use a corporate seal, which it may alter or renew at its pleasure, and may sue and be sued, plead and be impleaded, contract and be contracted with, and make by-laws and rules and regulations consistent with existing laws of the state for the government of all under its authority, the management of its estates and properties and the due and orderly conduct of its affairs.

3. The capital stock of said company shall not be less than fifty thousand dollars, and may be increased to any amount not exceeding five million of dollars, by issue and sale of shares thereof, not less than ten dollars each, from time to time, under such regulations as the board of directors of said company shall from time to time prescribe; and the directors may receive real or personal property in payment for subscriptions to the capital stock, at such valuation as may be agreed upon between the directors of the said company and the subscribers.

4. The said company shall have power, and may purchase, hold, grant, mortgage or otherwise dispose of real and personal estate in this state or elsewhere. And the said company shall have power and may lay out such lands or any part thereof into parcels or lots of convenient size, with intervening roads, lanes, streets and alleys, and develop, improve, work, cultivate, sell, grant, mortgage or otherwise dispose of the same, in such manner and upon such terms as the said company may think proper; and may contract for, construct, operate and maintain works of public or private improvement: provided, however, that nothing in this section shall be construed as exempting said company from the provisions of the general laws of the state relative to corporations.

5. The said company shall have power to search for and develop stone quarries and mineral properties, to mine and produce plumbago, kaolin and other earths useful for manufacturing purposes coal, iron, lead, zinc, copper, asbestos, mica, gold, silver and all other minerals, ores and metals, the purchase and sale of the same, the working, reduction, smelting and refining of the same, and the erection of chemical works, and working of the same; also the construction of railroads, tramways and telegraph lines, connecting the mines or works of said company with trunk lines of railroad and telegraph lines; and the said company shall have power and may build and maintain pipe lines, water ditches, flumes and reservoirs, and to draw water from any water-course adjacent to their mines or works: provided they do not, in so doing, violate the rights of any individuals or parties.

6. That for the purpose of constructing said railroads, telegraph lines, pipe lines, water ditches, flumes and reservoirs, the said company shall have the right to enter upon any lands over which said railroads, telegraph lines, pipe lines, water ditches, flumes and reservoirs may pass or should be located, for the purpose of surveying the same and locating said railroads, telegraph lines, pipe lines, water ditches, flumes and reservoirs, and to contract with the owners of the said lands for the right of way for any or all of the above-mentioned rights, and upon failure of said company and the owners of said lands to agree upon the price of said right of way, they shall proceed as the law directs for the condemnation of lands.

7. For the construction and operation of the railroads, telegraph lines, pipe lines, water ditches, flumes and reservoirs, the company shall have the right to issue bonds and to secure the same by mortgage on the properties, rights and franchises of the company, or any part thereof; to issue preferred stock, to issue bonds secured by mortgage convertible into preferred stock, or preferred stock convertible into bonds secured by mortgage, and to exercise

all power necessary to the enjoyment of the franchises and privileges herein granted.

8. It shall be lawful for the said company to guarantee the interest or the principal and interest of bonds of any mining or manufacturing company of this or adjoining states, as well as to acquire and hold the shares of capital stock of any such corporations.

9. This act shall be in force from its passage.

CHAP. 664.—An ACT to authorize the mayor and councilmen of the town of Abingdon to borrow money and issue bonds therefor for the purpose of building a suitable and sufficient school-house for the Cave City school district.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the mayor and councilmen of the town of Abingdon, be, and they are hereby, authorized to borrow for the said corporation and for the purpose of building a suitable and sufficient school-house in the said town for the use of the Cave City school district a sum of money not exceeding twenty thousand dollars by the issue and sale of bonds of the said corporation as hereinafter provided.

2. Said bonds shall be registered and shall be issued in such denominations and bearing such rate of interest not exceeding six per centum per annum, as may be determined by the said mayor and councilmen, said interest to be payable semi-annually. The principal of the said bonds shall be payable in twenty years from their date and upon the call of the said corporation at any time after five years from the date of said bonds; said bonds shall be signed by the mayor of the said town and countersigned by the clerk of the town council, and shall be sold and negotiated in such manner and upon such terms as may be prescribed by the said mayor and common council: provided that the said bonds shall not be sold for less than five per centum of their par value.

3. In order to provide for the payment of the accruing interest on said bonds and of the principal thereof, the said mayor and councilmen are hereby authorized and empowered to levy and collect an assessment for that purpose, not exceeding twenty-five cents on the one hundred dollars worth of property, to be applied exclusively to the purpose of this act.

4. The said mayor and councilmen shall have the power to purchase any lands, or privileges upon, or own any lands within the corporate limits of the said town, or within the limits of the said school district for the pur-

pose of erecting thereon school-houses for the use of the said district; and if the mayor and councilmen are unable to agree with the owners as to the price to be paid for the land, or privilege upon, or on the same, upon application to the county court of Washington county, the said court shall appoint commissioners to ascertain the value of the said land or the damage for the privileges desired, and proceed as in like cases as is provided by law; provided that said mayor and councilmen shall have no authority to issue bonds under this act until they shall have first taken the sense of the qualified voters of the said town at an election held after thirty days' notice of the time and place thereof has been given by posting the same on the front door of the court-house in the said town, at which said election the voters will vote—"For building school-houses," and "Against building school-houses;" and if it appears from the returns of the said election that a majority of the said votes cast, and a majority of the freeholders voting in said election are in favor of issuing said bonds, then said mayor and councilmen shall have the right to exercise all the powers conferred by this act: and provided further, that an election held under it must be held within two years of the passage of this act: and provided further, that no such election shall be held within thirty days of the time of the holding of any other election in the said town or within Washington county.

5. All acts and parts of acts in conflict with this act are hereby repealed.

6. This act shall be in force from its passage.

CHAP. 665.—An ACT to authorize the trustees of the society of Friends to convey to John M. Silver, a certain lot in Frederick county, Virginia.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the present trustees of the society of Friends are authorized to convey to John M. Silver that certain real estate situated in the county of Frederick which was conveyed to them for the purpose of a church, and has been abandoned by them for such purposes.

2. This act shall be in force from its passage.

CHAP. 666.—An ACT for the protection of sheep in the county of Henrico.

Approved March 8, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the commissioners of the rev-

enue for Henrico county to take annually, at the time of listing the taxable property therein, a list of all dogs (male and female), with the name of the owner or person in whose possession the same are found, upon the oath or affirmation of the owner, or housekeeper, or head of the family with whom or on whose lot or plantation any dog or dogs may be found, as to the number of dogs such person may own, or have, or as may be upon his or her lot, or plantation, or premises, whether owned by him or her or not, and shall return such list of dogs to the clerk's office of said county at the same time when he returns his list of taxable property, under the like fines, penalties and forfeitures as are now incurred by him for neglect of any similar duties under existing laws as to his duties in listing and returning lists of taxable property.

2. That every dog kept or staying about any house shall be deemed sufficient evidence of ownership to authorize the assessor to return the person inhabiting said house as the owner of such dog; and every dog not returned, or if returned and the tax be not paid thereon, shall be deemed to have no owner, and may be lawfully killed by any person seeing him run at large.

3. Upon complaint of any person to a justice of the peace that there is a dog that is not listed staying upon the premises of any person, the justice shall at once summon such person and the commissioner of the revenue whose duty it was to list him, to appear before him and give evidence as to the listing and ownership of such dog; and if it appear that the person charged with the ownership of such dog is the owner thereof, and has failed to list the same as required by this act, the commissioner of the revenue shall thereupon list said dog; and if the owner fail to pay the tax thereon and the costs hereby incurred within ten days thereafter, he shall be fined the sum of one dollar and costs, one-half of said fine to go to the informer; and in addition thereto the justice may, upon good cause shown, order a constable to kill said dog. The fees allowed under this section shall be those now allowed by law, and any constable killing a dog under this provision shall be entitled to receive a fee of fifty cents, to be paid by the owner of said dog.

4. That when the commissioner of the revenue shall have ascertained the number of dogs, they shall levy and cause to be collected as a license tax for keeping dogs the sum of seventy-five cents for each dog and the sum of one dollar for each bitch so assessed; and the said sums shall be collected and accounted for by the treasurer of said county as county levies are by law directed to be collected and accounted for; and the said treasurer shall keep a separate account of money arising from the said tax on dogs, and pay the same, after deducting commissions and delin-

quents, to a commissioner hereafter authorized in this act; and the said money shall be, and is hereby, appropriated for a fund for remunerating said county for any loss they may sustain by sheep being destroyed by a dog or dogs, and the residue, if any, to be divided among the magisterial districts of said county for public schools and county road purposes.

5. That when any inhabitant of the aforesaid county shall have any sheep killed by a dog or dogs, he or she may apply to the appraisers provided for by this act, and they, or any two of them, are hereby authorized and required to view and ascertain the damages sustained by the owners of such sheep killed as aforesaid; and when they shall have ascertained the legality of the claim and the damages so sustained, they, or any two of them, shall certify the same, under their hands and seals, to said commissioner, who shall receive the said certificate and give a receipt for the same, and shall have it filed in his office; and at the close of each year he shall make an estimate of such certificates as may have been presented to him, and also the amount of all such tax of the same year; and if, upon such estimate, it shall appear that the amount of said tax will be insufficient to discharge the whole amount of damages, he shall apportion the amount and pay to each sufferer in proportion to the loss sustained. If, after settling the yearly account as aforesaid, there shall be an overplus, such overplus shall be divided between the magisterial districts of said county, in proportion to the funds originally received from each, for the support of public schools and county road purposes.

6. That it shall be the duty of the justices of the peace in said county, upon the application of the owners (or their agents) of such sheep which have been killed by dogs since the passage of this act, to issue summons to three discreet freeholders in the neighborhood to appear forthwith on the premises where such sheep may be, and, being first duly qualified, they, or any two of them, shall proceed to ascertain and appraise the true value of said sheep, and return a statement of the same, under their hands and seals, to the owner.

7. That the board of supervisors of said county shall appoint a discreet person commissioner under this act, whose duty it shall be to receive and receipt for all certificates for damages under this act, file the same in his office, receive from the treasurer all moneys collected under this act, and apportion the funds ratably among the owners of said certificates, and pay the same within ten days after he shall have settled his account, which settlement shall be made once in each year. Before entering upon the performance of his duties under this act he shall give bond and security in the penalty of two thousand

dollars, subject to the approval of the county court, for the faithful discharge of his duties.

8. That the commissioner of the revenue and treasurer shall receive a like commission for their services in this behalf as is now allowed by law for similar services, and the commissioner shall receive a commission of five per centum on all money paid out by him.

9. This act shall not affect sections twenty-one hundred and ninety-two and twenty-one hundred and ninety-three of the code of Virginia.

10. That it shall be the duty of the judge of the county court of said county, upon application in writing of fifty freeholders of said county, to submit to the qualified voters of said county, at such time as he may deem best, the question of the adoption or rejection of this law. The officers conducting the next succeeding election shall conduct the election hereby provided for, and shall receive the ballots cast in such election, which ballot shall be respectively as follows: "For the law for the protection of sheep in the county of Henrico;" "Against the law for the protection of sheep in the county of Henrico."

11. The manner of receiving and canvassing the ballots cast at said election for or against said law and making abstracts and returns of the result thereof shall conform in all respects to the regulations prescribed by the general election laws of this state.

12. The persons conducting said elections at the various places of voting shall certify the number of votes cast against the law to the clerk of the county court of the aforesaid county, and if it shall appear from the returns and abstracts of votes so returned that a majority of the qualified voters voting are in favor of the law, the clerk shall certify the same to the county court at its next succeeding term after its adoption, and it shall thereupon be the duty of the judge of said court to declare the said law in force.

13. This law shall be in force one month from the time it is declared by the judge of the county court to have been adopted by the votes of said county.

CHAP. 667.—An ACT to amend and re-enact an act approved March 7, 1884, entitled an act authorizing the Sulphur mines company of Virginia to construct railways for transportation of ore, et cetera, same not to exceed forty miles in length.

Approved March 8, 1892.

1. Be it enacted by the general assembly of Virginia, That the said sulphur mines company of Virginia shall

have authority and power to construct railroads, none of which to exceed forty miles in length, or to be located elsewhere than in the counties of Louisa, Spotsylvania and Orange, connecting its mines and works, or any or all of its land with any other railroad or works of internal improvement, and to operate and maintain the same, and to this end and purpose may cause condemnation of all necessary lands, and shall have all other rights, privileges and powers conferred by the laws of the state on such enterprises, but subject to the conditions and limitations imposed by said laws of the state; but said company shall not charge for the transportation of ores belonging to persons or corporations other than itself, more than two cents per ton, of twenty-two hundred and forty pounds, per mile actually hauled; but when more than one hundred tons per day shall be shipped by any one person or corporation, the charges for all ore in excess of one hundred tons, of twenty-two hundred and forty pounds, shall not exceed one cent per ton per mile, of twenty-two hundred and forty pounds, actually hauled.

2. This act shall be in force from its passage.

CHAP. 668.—An ACT to extend to the Nansemond water company the rights and privileges of chapter 46 of the code.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the Nansemond water company is authorized to contract and agree with the owners of any land in the county of Nansemond, or in the counties adjacent thereto, for the use or purchase thereof, for the convenient location of any portion of their works, and in case of a disagreement, or if the owner be a feme covert, under age, non compos mentis, out of the state or unknown, the said company is invested with all the rights, powers and privileges conferred, and subject to all the rules, regulations and restrictions imposed by the forty-sixth chapter of the code of Virginia, so far as the same may be applicable and not inconsistent with the charter of said company.

2. This act shall be in force from its passage.

CHAP. 669.—An ACT authorizing the holding of primary elections in the city of Portsmouth, Virginia.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for any political party or body of

citizens in the city of Portsmouth, in this state, previous to any general election held for the purpose of electing any state or municipal officers, should it or they desire so to do, to hold a primary election for the nomination of candidates for the offices to be voted for at the said ensuing general election, upon such rules and regulations as may be prescribed by the local executive committee of such party or body of citizens: provided, however, that such primary election be not held more than thirty nor less than twenty days previous to such general election: and provided further, that the expense of conducting the said primary election be borne by the party conducting and holding the same.

2. The local executive committee of the said party or body of citizens shall determine the rules and regulations upon which such primary election shall be held, which said rules and regulations shall be published in some convenient newspaper and posted at the front door of the court-house of the city in which it is proposed to hold said primary election, at least five days previous to the holding of such primary election; and a printed copy of such rules and regulations shall be served upon each candidate to be voted for at such primary election, and each judge and clerk who shall conduct the same, and shall also be posted at each voting place for the holding of such primary election.

3. The candidates who shall offer themselves to be voted for at such primary election shall appoint so many judges and clerks for the conduct of said election and pay them such compensation for their services as they may deem proper, and the said judges and clerks, before entering upon the discharge of their duties as such, shall take and subscribe the following oath: I, A. B., judge (or clerk) of the primary election to be held by the _____ party (or citizens, as the case may be) do solemnly swear (or affirm) that I will perform the duties of judge (or clerk) of the said primary election according to the rules and regulations prescribed by the executive committee of said _____ party (or citizens, as the case may be), and to the best of my ability, and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting this election. So help me God. If there is no one present authorized to administer oaths the judges of election may administer to each other and to the clerks the oath above provided.

4. The said judges and clerks, for the purpose of conducting the said primary election, shall have all the rights, powers and privileges, and be subject to all the penalties prescribed by law for judges and clerks of the general elections.

5. Any person who knowingly or willfully votes, or attempts to vote at such primary election contrary to the

rules and regulations upon which the same is conducted, shall, upon conviction thereof, be fined not less than one hundred dollars nor more than three hundred dollars, or imprisonment in the city jail not exceeding twelve months.

6. This act shall be in force from its passage.

CHAP. 670.—An ACT for the relief of Susan C. Mays, the widow of Thomas T. Mays, a Confederate soldier.

Approved March 3, 1892.

Whereas Thomas T. Mays, the husband of Susan C. Mays, was a brave Confederate soldier of the army of the late Southern Confederacy; and whereas said Thomas T. Mays was shot through the body at Fairfield, in the state of Maryland, by the soldiers under the command of General McCausland, and which said wound caused his death in the year eighteen hundred and sixty-seven; and whereas his widow, the said Susan C. Mays, is now living in poverty; and whereas, under the existing pension laws, the said Susan C. Mays is not entitled to a pension; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to list the claim of the said Susan C. Mays as being entitled to a pension of thirty dollars per annum.

CHAP. 671.—An ACT to abolish the precinct of Pigg river, in the county of Franklin.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the precinct of Pigg river, in the county of Franklin, be, and the same is hereby, abolished, and that all the voters of the magisterial district of Blackwater, now voting at the two precincts of Pigg river and Callaway's, composing said district, shall hereafter vote at Callaway's, thus making one voting precinct of the said district. It shall be the duty of the registrar of the present precinct of Pigg river to turn over his registration books to the registrar of the present Callaway's precinct, and the registrar of the latter precinct shall thereupon transfer all the names upon said books to his own books. For this service he shall receive the sum of four cents a name, to be paid by the county of Franklin.

2. This act shall be in force from its passage.

CHAP. 672.—An ACT for the relief of John M. Kinney, of Augusta county.

Approved March 8, 1892.

Whereas in the month of January, eighteen hundred and eighty-four, John M. Kinney, of Staunton, Virginia, was employed by a special joint committee of the general assembly of Virginia as clerk, and was directed by said committee to make copies of certain legal documents filed in the hustings court clerk's office of said city of Staunton, and to do other clerical work for said committee; and whereas the said committee returned its report and the legislature adjourned without auditing or allowing the account of the said clerk, although the service was performed and the work returned to the committee as directed; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor be, and he is hereby, authorized and directed to draw his warrant upon the treasury in favor of the said John M. Kinney for the sum of twenty-five dollars in full payment of the service above recited, to be paid out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage.

CHAP. 673.—An ACT to authorize the board of supervisors of Wythe county to increase the salary of the county judge.

Approved March 8, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Wythe county be, and they are hereby, authorized and empowered to increase the salary of the county judge of said county to the sum of six hundred dollars per annum, and that said salary be a charge upon said county, and be levied, collected and paid as the law prescribes for payment of county judges.

2. This act shall be in force from its passage.

CHAP. 674.—An ACT to protect partridges and quail in King George and Stafford, Westmoreland, Spotsylvania, Caroline and Northumberland counties.

Approved March 8, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to kill, or capture, or offer for

sale, or buy any partridges or quails in King George and Stafford, Westmoreland, Spotsylvania, Caroline and Northumberland counties between the first day of February and the first day of November of any year, or at any time to take or destroy the eggs of partridges or quails, or catch them with nets or traps.

2. Any person violating any of the provisions of the preceding section shall incur the same penalties which are prescribed by the general laws of this commonwealth relating to unlawful hunting, for the unlawful killing or capturing or offering for sale or buying any partridges or quail, or taking or destroying their eggs or catching them with nets or traps; and the rules of evidence shall be the same. But nothing herein shall be construed as repealing, altering or amending any of the provisions of the general laws of this commonwealth relating to unlawful hunting which are not inconsistent with this act.

3. This act shall be in force from its passage.

CHAP. 675.—An ACT to allow the voters of the several voting precincts of Nelson county to vote on a fence law.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county court of Nelson county, or the judge thereof in vacation, upon the petition of at least ten resident freeholders of any voting precinct of Nelson county, to submit to the qualified voters of said precinct the questions: First, whether the boundary lines of each owner's lot or tract of land shall be a lawful fence; or second, whether a fence made of post and four rails, or four planks, or four wires, in either case the rails, planks or wires to be twelve inches apart, the bottom not more than fifteen inches from the ground and the top not less than four feet six inches from the ground; or third, whether the law shall remain as it now is. And in submitting said questions to be voted upon, they shall be briefly described as follows: "No fence," "Four-rail fence," and "Fence," the question to be determined by the plurality of votes given to either of the three plans. Said election to be held and conducted at such time and place and in such manner as said court or judge may by order prescribe.

2. If it shall appear from the returns thereof that a plurality of the voters in such election is in favor of "No fence," then the boundary line of each owner's lot or tract of land in said precinct shall be a lawful fence as to all stock enumerated in section two thousand and forty-two

of the code of eighteen hundred and eighty seven; or if a plurality be in favor of the "four-rail fence," then the same shall be a lawful fence in said precinct: provided, however, that this act shall not be so construed as to render a lawful fence under the general law unlawful.

3. This act shall be in force from its passage.

CHAP. 676.—An ACT to incorporate the Oronoco club, of Danville, Virginia.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That O. W. Dudley, W. A. Holland, J. P. Taylor, D. J. Holcombe, John D. Spencer, Dr. H. W. Cole, Eugene Withers, R. L. Dibrell, W. J. Dance, J. A. Lawson, W. A. Smith and such other persons as are now associated as the Oronoco club, or may hereafter be associated with them, are hereby constituted a body corporate by the name of the Oronoco club, to be located in the city of Danville, Virginia, for the purpose of social intercourse, and for the purpose of maintaining a library and reading-room.

2. The said corporation shall have the power to make and adopt a constitution and by-laws, rules and regulations for the admission and expulsion of its members and their government; the election of its officers and to define their duties, and for the safe-keeping and protection of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations: provided that the same be not inconsistent with the constitution and laws of the United States or the state of Virginia.

3. The said corporation may hold or lease any real or personal estate: provided that the real estate held by them at any one time shall not exceed one acre of land.

4. This act shall be in force from its passage, and be subject to amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 677.—An ACT to authorize the board of supervisors of Pulaski county to issue bonds for the purpose of building and repairing the public roads in said county.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of the

county of Pulaski, by order entered of record, to submit to the qualified voters of said county whether or not the bonds of said county shall be issued for the purpose of raising funds to be applied to the building or improvement of the public roads of said county.

2. Such vote shall be taken after at least thirty days' notice at any general or special election held in said county; the ballots used at such election shall be "For road bonds," and "Against road bonds," and such election shall be held and certified in the mode prescribed by law for holding and certifying elections under the laws of this state, except that the election returns shall be made to the board of supervisors, who shall canvass the returns and ascertain the result and spread the same upon the records of the board.

3. Said board, in submitting said question, shall state in its order the aggregate amount for which the bonds of the county are proposed to be issued, which shall also be stated in the notice for such election.

4. If a majority of the qualified voters of said county voting on the question shall be in favor of the issuance of said bonds, then it shall be the duty of said board of supervisors to issue the bonds of said county of Pulaski, in such denomination and payable at such times and at such place in Pulaski county as said board shall determine, said bonds to bear interest at a rate not exceeding six per centum, and may be for any aggregate amount, not exceeding, however, the aggregate amount stated in the order submitting said question to a vote as aforesaid.

5. Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the clerk of the board, with the seal of the board attached; the said board shall sell said bonds at not less than par, and shall have power to appoint an agent or agents therefor and provide for his compensation; but the bonds when issued shall be placed in one of the banks in said county, and shall only be delivered to the purchaser upon the receipt by such bank of the purchase-money therefor.

6. The proceeds arising from the sale of said bonds shall be applied to the building and repair of the public roads of said county, in such manner as said board of supervisors shall direct, taking care that the same be equitably and fairly distributed amongst the several magisterial districts in said county. The board shall have power, and it shall be the duty of said board to take bonds, with approved security and in sufficient penalties, from all persons and agents entrusted with said funds, to the end that said funds shall be at all times amply protected; and the board shall annually, at its July meeting, cause a full statement of the funds arising under this act for the preceding year, to be spread upon the records of the board.

7. The said board of supervisors shall annually levy on the real and personal property of said county an amount sufficient to pay the interest on said bonds and to provide a sinking fund sufficient to extinguish such bonds at their maturity, which levy shall be collected by the county treasurer as other county levies are collected, and the said treasurer shall account therefor in such manner as the said board shall direct.

8. Said county treasurer, before collecting said levies, shall execute before said board of supervisors a bond, with approved security, in a penalty double the amount which will go into his hands under this act, and conditional to faithfully perform his duties under this act: provided that the statement in writing of said treasurer, and his sureties on his official bond as treasurer, agreeing that the said official bond shall cover the liability of said treasurer under this act, may be accepted by said board in lieu of a bond, and thereafter such official bond of such treasurer shall be held conclusively to cover all funds mentioned in this act.

9. This act shall be in force from its passage.

CHAP. 678.—An ACT to continue in force the charter of the St. Paul land company for the further period of two years.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That all the provisions of an act of the general assembly entitled an act to incorporate the Saint Paul land company, approved March third, eighteen hundred and ninety, shall be, and they hereby are, continued in force until two years from and after this date, notwithstanding anything contained in section eleven hundred and forty-one of the code of eighteen hundred and eighty-seven, and all the chartered rights, powers and franchises granted by said act shall continue in full force and effect for the period aforesaid, notwithstanding anything contained in said section of said code.

2. This act shall be in force from its passage.

CHAP. 679.—An ACT to authorize T. D. Christian and D. L. Farenholt to build a wharf on the Mattaponi river.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That T. D. Christian and D. L. Farenholt are authorized

to erect a wharf in the Mattaponi river opposite to the first street in the town of West Point: provided that said wharf shall not interfere with the navigation of said river.

2. This act shall be in force from its passage.

CHAP. 680.—An ACT to amend and re-enact section 8 of chapter 312, session acts 1885-'86, entitled an act to incorporate the Lynchburg perpetual building and loan company, approved March 1, 1886.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section eight of chapter three hundred and twelve, session acts of eighteen hundred and eighty-five and eighteen hundred and eighty-six, entitled an act to incorporate the Lynchburg perpetual building and loan company, approved March first, eighteen hundred and eighty-six, be amended and re-enacted so as to read as follows:

§ 8. It shall be the duty of the board of directors at least ten days prior to the declaring of any dividend to appoint from the stockholders three competent persons to investigate the affairs of the corporation and make a report thereof, which report shall be recorded on the book of minutes of the stockholders' meetings, and be at all times open to the inspection of the stockholders, and thereupon the board of directors shall, within a reasonable time, declare out of the profits theretofore made such dividends as they may deem advisable, the dividends upon fully paid-up shares to be paid in cash, and upon shares not fully paid up to be pro rata, passed to the credit of the holder thereof.

2. This act shall be in force from its passage.

CHAP. 681.—An ACT to authorize the council of the town of Shenandoah, in the county of Page, to borrow money.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Shenandoah be, and it is hereby, empowered in the name of and for the use of the town, to contract loans or cause to be issued certificates of debt or bonds: provided no such certificates of debt or bonds shall be issued for an amount exceeding five thousand dollars for any one purpose, except by a two-thirds vote of the council, ratified by a majority of the freehold voters of the town voting on the question; but such loans,

certificates, or bonds shall not be irredeemable for a period greater than thirty-four years: provided further, that said council shall not contract such loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement or other purpose, without being first authorized so to do by a majority of the freehold voters of the town voting on the question: provided further, that in no case shall the aggregate debt of the town at any one time exceed ten per centum of the assessed value of the property, real and personal, within the town limits; and provided further, that the said council shall not endorse the bonds of any company whatsoever without the same authority. All contracts for the erection of public improvements within the jurisdiction of the town council shall be let to the lowest bidder, reserving the right to reject any and all bids, and notice shall be given, at least thirty days before the work is finally let, by advertisement in one or more of the newspapers published in the town, and the party to whom said contract shall be let shall give such bond as the council may require; but in no event shall any contract be let to any member of the town council, nor shall any member have any interest in such contract.

2. Whenever there shall be contracted by the council any debt not payable within one year thereafter, there shall be set apart annually for thirty-four years, or until the debt is paid, a sum not less than one per centum of the amount of any debt, in addition to the annual interest to be paid thereon, which sum shall be applied and invested towards the payment of such debt.

3. The said council shall levy and collect such an amount of taxes as may be necessary to comply with the provisions of this act.

4. All acts and parts of acts in conflict with this act are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 682.—An ACT to incorporate the Northern Neck agricultural association.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That William R. Claughton, J. M. Booth, W. M. Beatley, G. W. Headley, W. S. Cralle, J. B. Cralle, T. H. Fallin, G. F. Eubank, William Blundon, Harding Walker, R. S. Brent and A. S. Rice, their associates and successors, be,

and they are hereby, constituted a body politic and corporate by the name and style of the Northern Neck agricultural association, and as such shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, contract and be contracted with, and make all proper and needful by-laws, ordinances and regulations not inconsistent with the laws of the United States or of this commonwealth.

2. The object of the association shall be to develop and promote the agricultural and industrial interests of the Northern Neck section of Virginia. The office of the said association shall be at Heathsville, at which place the stockholders shall hold their annual meeting.

3. The said association shall be entitled to purchase and hold real estate to the extent of one hundred acres, and shall have the right and power to sell, mortgage or lease any part or all of said property.

4. The capital stock of the association shall be divided into shares of ten dollars each, which shall be paid as required by the by-laws, and the said capital stock shall not be less than three thousand nor more than five thousand dollars. No individual can hold more than twenty shares of said stock. All certificates of stock shall be signed by the president and countersigned by the secretary of the association.

5. The officers and directors shall be elected and the annual meetings held at such time as may be provided by the constitution and by-laws of the association.

6. The board of directors, including the president, secretary and treasurer, shall have the management and control of the property, affairs, business and concerns of the association.

7. Such constitution as shall be adopted by a two-thirds vote of the stockholders of the association shall be held and be deemed to be the constitution of said association, and shall not be altered or amended, except as may be therein provided.

8. This act shall be in force from its passage.

CHAP. 683. — An ACT to incorporate the Battis Point wharf company, in Henrico county.

Approved March 8, 1892.

1. Be it enacted by the general assembly of Virginia, That C. L. McCaull, H. E. Boyer, H. H. Johnson, W. B. Grover, John T. Lebett, W. H. Cotman, Arthur B. Clarke, Josiah Throckmorton, or any five of whom may accept the provisions of this charter, and their associates and suc-

cessors, be, and they are, constituted and made a body politic and corporate by the name and style of the Battis Point wharf company, and by that name and style shall have all the rights, powers and privileges conferred by and be subject to all the provisions of the general laws of Virginia in reference to corporations and chartered companies, so far as the same may be applicable and not inconsistent with the provisions of this act.

2. The capital stock of said company shall not be less than five hundred dollars nor more than five thousand dollars, and shall be divided into shares of ten dollars each, and the capital stock, if fixed at less than the minimum amount, may be from time to time increased by the board of directors to an amount not exceeding the maximum capital, and said board of directors may issue shares of stock and sell the same at such price as may be fixed and agreed on by them, and may, in their discretion, receive and pay for such shares in property, money or services rendered, at prices agreed on by said board, and said maximum amount of capital stock may also be paid in property, money or services, at prices agreed on by said board, or by the stockholders or corporators constituting the first stockholders' meeting of said company.

3. The first meeting of the incorporators shall be held at Battis Point, Henrico county, Virginia, as soon as a majority of such corporators may there convene; and upon the minimum amount of such capital stock being taken or subscribed for by said corporators or other persons, then such meeting shall constitute the first general stockholders' meeting, and the general annual meeting of such stockholders shall be held annually thereafter at said place, or at such other time and place in Virginia as the stockholders may in general meeting appoint; and the principal office of said company shall be within the county of Henrico.

4. The board of directors shall consist of five members, who shall from their number choose a president, and who may appoint all such other officers or agents as they may deem proper; but the stockholders may, in general meeting, at any time increase the number of such directors.

5. The said company may construct, operate and maintain, at or near Battis Point, in Henrico county, on James river, in Virginia, a wharf (said wharf to be subject to all the laws of Virginia governing all wharves erected in the waters of the commonwealth), with proper machinery and appliances for the operation and maintenance of the said wharf; and said company may acquire, by gift, purchase, condemnation or other means, so much land at said point as may be proper for the convenient operation of said wharf, not to exceed one hundred acres.

6. Said company shall also have authority, after obtaining the consent of the proper Henrico county authorities, to construct, operate and maintain a bridge over Four Mile Creek swamp, in said county, at a point not farther than one-half of a mile from where said swamp empties into said James river, and may acquire, at the place where such bridge may be located, so much land as may be necessary, not exceeding in amount fifty acres at such place.

7. All taxes and other public dues accruing from said company to said state of Virginia shall be paid in lawful money of the United States, and not in coupons or any other thing whatsoever.

8. This act shall be in force from its passage.

CHAP. 684.—An ACT to incorporate the Hamilton institute, in the county of Washington.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That John M. Hamilton, J. T. Martin, John W. Kaylor, H. C. Hally, William Sutton, senior, A. F. Barker, W. S. Stickley, R. C. Hamilton, Solomon Sprales, Henry Wood, James Sutton, Zachariah Crabtree, T. C. Price, and George W. Pettyjohn, trustees, and such others as may become associated with them, be, and they are hereby, incorporated and made a body politic by the name and style of Hamilton institute, for the purposes of keeping and conducting a boarding and day school of the above name, and of giving instruction to any such persons as may be committed to their care as pupils of said school in all the various studies and courses of instruction in all elementary branches, modern languages, English and French, and in ancient languages, and in music and fine arts, and all other matter or things usually prescribed in schools and colleges of the highest grade and of, as well as, high school, academies, and public free school, with the right and privilege to make and prescribe such rules and regulations as from time to time may seem fit and proper to them, and to change or to alter the same, to enable them to conduct the daily and yearly exercises, and successfully to govern and generally to promote the objects and plans of said institute.

2. The said institute shall have the power of perpetual succession and a common seal, which it may alter or amend at its pleasure, and may in its corporate name sue and be sued, implead and be impleaded, contract and be contracted with, purchase, hold, give, grant estate, real

and personal, for its purposes, and make regulations for the government of itself, of all persons and things properly under its authority, for the management of its estate and the due and orderly conduct of its affairs: provided said institute shall not at any time acquire and hold real and personal estate exceeding twenty-five thousand dollars. Said corporation shall have power to borrow money and issue its bonds therefor, and secure the payment of said bonds by mortgages and deeds of trust upon all or any portion of the property, real or personal, and it may, as its business may require, sell, lease, convey and encumber, and shall provide for payment of the interest on its said bonds by requiring the treasurer of said board of trustees to collect and set apart at the commencing of each session of said school a part of the contingent fund paid by the students and the pupils, as may be prescribed by the said board of trustees.

3. The buildings of said institute may at all times be opened to the public free schools of said district, under the supervision and control of said board of trustees of said institute.

4. The board of trustees, hereinbefore provided for, shall at all times have at least one-third of its members composed of Masons, in good standing, of the masonic lodge of Mendota, in said county; that said lodge is hereby empowered and authorized to contract, bargain, sell, convey or release any or all of its property to said institute, or for the benefit thereof, with such conditions, restrictions or limitations as may be stipulated, or it may encumber its property by deeds of trust or otherwise for the benefit of said institute.

5. Each member of said board of trustees of said institute shall be, and is hereby, constituted a conservator of the peace, with all the powers and duties now conferred by law on conservators of the peace, and shall have and exercise on the premises of said institute, and within one mile thereof, such powers and duties; and, in addition thereto, where disturbances and breaches of peace, drunkenness, profanity, indecency and other like offences are committed in their presence or hearing, shall have the power, without a warrant, to arrest such offender or offenders and take the same before the mayor of the town of Mendota, or any justice of the peace of Washington county, who, after a warrant has been duly issued, try and dispose of such offender according to law.

6. No license for the sale of spirituous or malt liquors, or any mixtures thereof, shall be granted for the sale of such intoxicating liquors within two hundred yards of the premises of said institute.

7. All acts and parts of acts in conflict with this act are hereby repealed.

8. This act shall be in force from its passage.

CHAP. 685.—An ACT to amend and re-enact section 8 of the act entitled an act to incorporate the Pittsburgh and Virginia railroad company, as amended by the act approved February 24, 1888, entitled an act to amend and re-enact section 8 of the act approved March 3, 1884, entitled an act to incorporate the Pittsburgh and Virginia railroad company.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section eight of the act entitled an act to incorporate the Pittsburgh and Virginia railroad company, as amended by the act entitled an act to amend and re-enact section eight of the act approved March third, eighteen hundred and eighty-four, entitled an act to incorporate the Pittsburgh and Virginia railroad company, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 8. Said company, or its successor, shall begin the work of constructing its railroad before the first day of July, eighteen hundred and ninety-four, and shall complete its main line within the state within five years from the completion of the said surveys and location thereof.

2. This act shall be in force from its passage.

CHAP. 686.—An ACT extending the time for commencing the construction of the Petersburg and Chesterfield railroad and re-enacting the act approved February 18, 1890.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That chapter two hundred and sixty-seven, session eighteen hundred and eighty-nine and eighteen hundred and ninety, be re-enacted, and section seven be amended to read as follows:

§ 7. The said company shall be required to commence the construction of the main line of said railroad within two years from April first, eighteen hundred and ninety-two, and complete the same within five years therefrom.

2. This act shall be in force from its passage.

CHAP. 687.—An ACT to incorporate the Drake's Branch warehouse company.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That L. S. Jackson, B. S. Faris, C. R. Morgan, William G.

Spencer, J. M. Haynie, J. S. Cunningham and W. C. Scott and their associates and successors, be, and they are hereby, constituted and made a body corporate and politic by the name and style of the Drake's Branch warehouse company, and by that name shall be known in law, and have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts whether in law or in equity; and may make and have a common seal and alter the same at pleasure, and shall have, enjoy and exercise all rights, powers and privileges pertaining to corporate bodies and necessary for the purposes of this act, and may make by-laws, rules and regulations consistent with the existent laws of the state for the government of all under its authority and the management of its property and the due and orderly conduct of its affairs.

2. The capital stock of said company shall not be less than two thousand dollars, and may from time to time be increased to any amount not exceeding ten thousand dollars, and shall be divided into shares, the par value of which shall be twenty-five dollars each, and the directors may sell said shares of stock at such price as they may deem to be to the best interests of the company, and may receive real or personal property or services in payment therefor at such valuation as may be agreed upon between the directors and the purchasers.

3. That it shall be lawful for said company to buy and sell tobacco and the manufactures thereof, and to manufacture tobacco and do all the acts lawful and usual for warehousemen.

4. This act shall be in force from its passage.

CHAP. 688.—AN ACT to provide for the removal of pending causes from the corporation court for the city of Roanoke to the circuit court for such corporation.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That any suit, motion or other civil proceeding now pending in the corporation court for the city of Roanoke shall be removed, as of right, to the circuit court having jurisdiction over such corporation, on the motion of any party thereto; but ten days' notice of the motion for such removal shall be given to the adverse party or his attorney. When any cause is ordered to be removed under this act the clerk of the corporation court shall transmit to the clerk of the circuit court the original papers with the copies of all rules and orders made and a statement of

the costs incurred by each party therein. Whereupon the cause shall be proceeded in, heard, and determined by the court to which it is removed, as if it had been brought, and the previous proceedings had, in said court. The costs attending such removal shall be charged as may be thought just by the court from which, or if it made no orders on the subject, by the court to which, the cause is removed.

2. This act shall be in force from its passage.

CHAP. 689.—An ACT to allow W. T. Osborne to erect a wharf on Chuckatuck creek.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That W. T. Osborne, of the county of Nansemond, be authorized to erect a wharf on Chuckatuck creek, near the home of the said W. T. Osborne, and near the mouth of said creek.

2. This act shall be in force from its passage.

CHAP. 690.—An ACT to authorize the town of Berryville to borrow a sum not exceeding fifteen thousand dollars to obtain a water supply and for other purposes.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Berryville be, and it is hereby, authorized to borrow money and issue its bonds therefor, bearing interest, and payable at such times as it may determine: provided the amount borrowed does not exceed fifteen thousand dollars, and the rate of interest does not exceed six per centum per annum.

2. Said council is hereby authorized to use the money so borrowed in the town, either by subscribing to the capital stock, or investing in the first-mortgage bonds of any company that now is or may hereafter be organized to supply said town with water, or in such other way as in the judgment of said council will best promote the welfare of said town.

3. In order to provide for the payment of the principal and interest of the bonds so to be issued, the said council is authorized to levy a special tax on all the property, real and personal, licenses and all other subjects of taxa-

tion for municipal purposes; which tax shall not exceed one-half of the taxes imposed by said town for all other purposes.

4. This act shall be in force from its passage.

CHAP. 691.—An ACT regulating the fishing of purse-nets and pound-nets in the tributaries of the Potomac river within the jurisdiction of the counties of Stafford, King George, Westmoreland and Northumberland, and in the Rappahannock river.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for any person to fish with a purse-net or pound-net in any of the tributaries of the Potomac river, within the jurisdiction of the counties of Stafford, King George, Westmoreland and Northumberland, between the first day of September and the first day of June in any year, and in the Rappahannock river.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 692.—An ACT to amend and re-enact section 2 of an act entitled an act to incorporate the Staley's creek and manganese iron company, approved May 21, 1887.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That section two of an act entitled an act to incorporate the Staley's creek manganese and iron company, be amended and re-enacted so as to read as follows:

§ 2. The said company is authorized and empowered to mine manganese, iron ore and other minerals, to prepare the same for market, to transport and sell the same, to manufacture iron, steel and other metals, and for these, or any of these purposes, to purchase, hold lease and convey real estate, land and mineral rights not exceeding fifteen thousand acres in this state at any one time, to erect and operate furnaces, mills and any works that may be requisite, and to locate and construct any railroad not exceeding fifteen miles in length, from the lands or works of said company to any point on the Norfolk and Western railroad, in Smyth or Washington counties, and to acquire and hold stock or bonds in any incorporated company, and to issue its stock or bonds to any other incorporated company on such terms as may be lawful under the laws of Virginia and authorized by the stockholders of the company.

2. This act shall be in force from its passage.

CHAP. 693.—An ACT to incorporate the South building and loan company.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That William F. Rhea, H. G. Peters, H. E. McCoy, W. M. Pitzer and V. Keebler, their associates and successors, are hereby incorporated and constituted a body politic and corporate under and by the name of the South building and loan company, and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts, whether in law or equity, and may make and have a common seal, and alter or renew the same at pleasure; and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act, and make such by-laws, rules and regulations as it may deem proper for the government of all under its authority, the management of its estate and properties, and the due and orderly conduct of its affairs.

2. The capital stock of said company shall not be more than one hundred thousand dollars, and shall be divided into shares, the par value of which shall be fifty dollars each, and the directors may sell said shares of stock, or any part thereof, at such price and on such terms as they may deem to be to the best interests of the company, and may receive notes or bonds, real or personal property, money or services, in payment thereof, and at such valuation as may be agreed upon between the directors and the purchasers.

3. The said company is authorized and empowered to purchase, hold, own, lease and control in any manner, and to grant, bargain, sell, mortgage, convey and otherwise dispose of real and personal properties of any kind in this state or elsewhere, and to deal in lumber and any other material, and build houses of any character or kind, and to lease, mortgage, sell and otherwise dispose of said lumber, materials, houses and lots as the board of directors may deem best, and for the purpose of enabling persons to build houses, or for any other purpose or purposes, the said company may, for itself or as agent for any other person or corporation, furnish and loan money to any person or persons upon such time and terms, and for such rate of interest per annum, as may be agreed upon by and between the said company and such person or persons, and to take and receive therefor notes, bonds or other evidences of debt, expressing upon the face of such instrument the rate of interest agreed upon, and said company may secure the

payment of same by personal endorsements, mortgages, deeds of trust or otherwise, and enforce the collection thereof when due.

4. The five persons named in this act shall constitute the first board of directors of said company, one of whom they shall elect president, and they may have such other officers as they may prescribe in their by-laws; they shall have power to change the corporate name of the company if desirable; to fix from time to time the amount of capital stock, and to exercise all the powers conferred by this charter as to the organization and conduct of the affairs of the company; it shall be subject to the general laws of the state in regard to chartered companies and corporations, except where it is otherwise provided in this act.

5. The board of directors may establish offices and agencies at such places as they may deem proper, but the annual meeting shall be held and the principal office shall be located in the city of Bristol, Virginia.

6. No stockholder shall ever be liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said company on account of stock purchased from the company by the said stockholder.

7. All taxes which may be due from said company shall be paid in lawful money, and not in coupons.

8. This act shall be in force from its passage.

CHAP. 694.—An ACT to incorporate the Lynchburg, Keysville and Atlantic railway company.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That Oliver C. Wiggin, E. F. Daniel, W. T. Pugh, A. J. Millikin, A. L. Van Ness, H. C. Parsons, W. E. Niblett, M. C. Cardoza, W. C. Winn, James M. Lawson, J. R. Clark, W. D. Adams, and Alexander McDonald, or such of them as may accept the provisions of this act, their associates, successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Lynchburg, Keysville and Atlantic railway company, and by that name shall be known in law, and as such are authorized and empowered to locate, construct, and operate a line of railroad of standard gauge from the city of Lynchburg to Keysville, in Charlotte county, and thence via Lunenburg court-house and Lawrenceville, in Brunswick county, to the North Carolina state line in the direction of Weldon, North Carolina, or via Lunenburg court-house from Keysville to Sussex court-house

and Isle of Wight court-house to Norfolk, by the most practicable and desirable route, with the privilege of building and operating branch railroads from such points on either side or both sides of said routes as the company may deem expedient.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts, whether at law or in equity; and may make and have a common seal, and alter or renew the same at pleasure; and shall have and possess and enjoy all the rights and privileges of a corporation or body politic under the law and necessary for the purposes of this act.

3. The capital stock of said company shall be one hundred thousand dollars, and may, from time to time, with the consent of the board of directors, be increased to an amount requisite for the purposes of the said company by issue and sale of shares of stock (the par value of which shall be one hundred dollars) from time to time, under such regulations as the board of directors of said company may prescribe; and the directors may receive cash, labor, material, real and personal property, suited to the business of the said company, in payment of subscriptions to the capital stock, at such valuations as may be agreed upon between the directors and the subscribers, and may make such subscriptions payable in such manner and at such times as may be agreed upon with the subscribers.

4. It shall be lawful for the company to acquire by condemnation, or by gift or purchase, land for right of way for depots, stations, and other purposes necessary for the successful construction and operation of its road through any of the counties where it is authorized to construct its line of road.

5. It shall be lawful for said company to borrow money or issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and prefer, and to secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, railroads and franchises.

6. The said company shall be required to commence the construction of said railroad within three years from the passage of this act, and to complete the construction of the main line within five years thereafter, or otherwise the powers, privileges and franchises hereby granted shall be annulled.

7. The persons first named in this act, or such of them as shall accept the provisions thereof, shall have the power and authority of a president and board of directors for the purpose of organizing and all other purposes. They shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected.

8. That said company shall have full power and authority to connect with or cross any other railroad or railroads on its proposed lines, and also to purchase or lease from any other railroad corporation any or all of its real and personal property, privileges and franchises, with power also to sell, lease or otherwise dispose of any or all of its property, real and personal, and its privileges and franchises, to any other railroad corporation, or consolidate with any other railroad corporation in such manner and upon such terms as may be agreed upon between such railroad companies not inconsistent with the laws of this state.

9. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located in this state.

10. Any county, town, or city through or in which the road of said company or any branch thereof may be located may subscribe to the capital stock of said company in the mode prescribed by law.

11. All taxes to become due by the company to the state of Virginia shall be paid in lawful money of the United States, and not in coupons.

12. The general assembly reserves the right to alter, amend or repeal this charter at its pleasure.

13. This act shall be in force from its passage.

CHAP. 695.—An ACT to revive and continue the charter of the Old Dominion iron and nail works company and the additional powers conferred on said company by an act approved February 28, 1884, to reincorporate said company and to validate and confirm all acts performed by said company since the expiration of its former charter.

Approved March 8, 1892.

Whereas the Old Dominion iron and nail works company was duly incorporated by an order of the county court of Henrico county, entered on the fourth day of January, eighteen hundred and fifty-eight; and whereas additional powers were conferred on said company by an act of the general assembly, approved February twenty-sixth, eighteen hundred and eighty-four, which order of court, the certificate of incorporation granted said company thereby, the certificates annexed thereto, and act of assembly are in the words and figures following, to-wit:

Virginia: In Henrico county court, January 4, 1858:

2. The court doth certify that on this fourth day of January, eighteen hundred and fifty-eight, Hugh W. Fry, Wil-

liam S. Triplett, Isaac Davenport, junior, and Charles T. Wortham, personally appeared and prayed the court to incorporate them (and others) as a company for the purpose of manufacturing under the name and style of the "Old Dominion iron and nail works company," and to grant to them a charter or certificate of incorporation as such, and to certify the same to the secretary of state for the commonwealth of Virginia, according to the provisions of the act of March third, eighteen hundred and fifty-four, entitled "an act to provide for the organization of companies for mining and manufacturing purposes," and of an act to amend the same, passed on the first day of March, eighteen hundred and fifty-six—which charter or certificate of incorporation, as presented and asked for by them, is as follows, to-wit:

Certificate of incorporation of the "Old Dominion iron and nail works company."

Commonwealth of Virginia—County of Henrico, to-wit:

3. Be it known that we, Hugh W. Fry, William S. Triplett, Isaac Davenport, junior, and Charles T. Wortham, whose names are hereunto subscribed, do hereby associate ourselves together, and with us George D. Fisher, E. Miller, A. Y. Stokes and others, and form a body politic and corporate, pursuant to and in conformity with the act of the general assembly of the state of Virginia, entitled "an act to provide for the organization of companies for mining and manufacturing purposes," passed March third, eighteen hundred and fifty-four, and of an act amending the same, passed on the eleventh day of March, eighteen hundred and fifty-six; and we do make the following statement and declarations in reference thereto pursuant to the requisitions of the said statutes, to-wit:

I. The name and style by which this company shall be known shall be "The Old Dominion iron and nail works company."

II. The objects and purposes for which this corporation is formed are specially and mainly for the manufacture of iron, in nails and such other articles, modes and forms in which iron can or may be manufactured, as may from time to time be deemed advisable by the said corporation; and incidentally or collaterally for the transacting of such other business and carrying on or establishing of such other works, manufacturing or otherwise, as may be appropriate or expedient, to be connected or united with the same.

III. The capital stock of the corporation shall be one hundred and fifty thousand dollars, divided into fifteen hundred shares of one hundred dollars per share, but with

the privilege of increasing the said capital stock to five hundred thousand dollars, so as to make the whole number of shares five thousand of one hundred dollars per share. In meeting of stockholders each share to be entitled to one vote; such meetings to be annual, with authority to the directors, or a majority of them, to call special meetings whenever deemed advisable.

IV. The officers of the corporation shall consist of a president and four directors, who, together, shall constitute a board of directors, to be elected for one year, and to continue in office until their successors shall be elected. There shall also be such other officers as the stockholders may deem necessary; and in reference to this, as to other subjects not herein provided for, the stockholders shall have the right to establish such by-laws as may be required or proper. The following persons shall be the officers of the company for the first year, and until their successors have been chosen, to-wit: William S. Triplett, president; and Isaac Davenport, junior, Hugh W. Fry, Lewis D. Crenshaw, and Charles T. Wortham, directors.

V. The amount of land held by the said corporation shall not exceed one hundred acres, and to that extent they shall be authorized and empowered, as occasion may offer, to acquire and receive conveyances therefor from the owners and parties interested in the same—and, among others, from the present owners and parties interested in the real estate and improvement thereon, water-rights, privileges and appurtenances, constituting the property known as the Belle Isle works, in the county of Henrico, and state of Virginia, estimated to contain thirteen and two-fifths acres, be the same more or less. And the said corporation shall in like manner be authorized and empowered to acquire and receive conveyances for such slaves as may be needed or required for their uses and purposes in and about their works and business aforesaid. The said corporation shall also be authorized and empowered, in regard to any land or slaves, or any personal property whatever, which they may acquire in any wise, should the same turn out unsuitable for their objects, or should they deem it advisable to sell the same, to sell and dispose of the same accordingly.

VI. The operations of said corporation shall be carried on in the county of Henrico, upon lands therein to be held by them; and the chief office of business shall be either upon the said lands or in the city of Richmond, in Virginia, or elsewhere, as shall be determined upon from time to time by the said corporation.

In witness whereof, the said Hugh W. Fry, William S. Triplett, Isaac Davenport, junior, and Charles T. Wortham, have hereunto set their hands and seals, at and in the presence of the county court of the county of Henrico, at

the court-house thereof, this fourth day of January, eighteen hundred and fifty-eight.

HUGH W. FRY,	[Seal.]
WILLIAM S. TRIPLETT,	[Seal.]
ISAAC DAVENPORT, JR.,	[Seal.]
CHARLES T. WORTHAM,	[Seal.]

Which certificate of incorporation or charter was then in open court signed, sealed and acknowledged by the said Hugh W. Fry, William S. Triplett, Isaac Davenport, junior, and Charles T. Wortham, as by the said acts prescribed.

Whereupon the court, considering the said petition as reasonable and proper, and made in conformity with law, doth in pursuance of the said acts of the general assembly of Virginia, charter and incorporate the said "Old Dominion iron and nail works company," in the manner and with the provision set out in the form of charter or certificate of incorporation presented by them, and directs that a copy of the same and of these proceedings be certified, under the seal of the court, to the secretary of state for the commonwealth of Virginia.

State of Virginia, Henrico county—to wit:

I, Temple Ellett, clerk pro tempore of Henrico county court, in the state of Virginia, do hereby certify that the foregoing is a true transcript from the records of the said court.

In testimony whereof, I hereto subscribe my name and annex the seal of the said court, this sixth day of January, eighteen hundred and fifty-eight.

[Seal.]

TEMPLE ELLETT,
C. H. C. pro tempore.

EXECUTIVE DEPARTMENT,
RICHMOND, January 6, 1858.

I, George W. Munford, secretary of the commonwealth of Virginia, do hereby certify that in conformity to law, a company under the name and style of the "Old Dominion iron and nail works company," filed with me on the sixth day of January, eighteen hundred and fifty-eight, a certificate in writing of its incorporation, and a copy of the order of the county court of Henrico, on the fourth day of January, eighteen hundred and fifty-eight, granting the incorporation; a copy of which certificate and order of court is hereto attached.

Given under my hand the day and year first aforesaid.

GEORGE W. MUNFORD,
Secretary of the Commonwealth.

An act to authorize the Old Dominion iron and nail works company to purchase timber lands in the counties of Chesterfield, Amelia, Rockbridge, Powhatan and Botetourt, and to sell and convey the same, approved February 26, 1884.

4. Be it enacted by the general assembly of Virginia, That the Old Dominion iron and nail works company be, and it is hereby, authorized and empowered to purchase in each of the counties of Chesterfield, Amelia, Rockbridge, Powhatan and Botetourt not exceeding twenty thousand acres of timber land, the said company desiring this privilege for the purpose of procuring timber for the manufacture of nail kegs, et cetera, and said company may at its pleasure sell and convey the said lands.

5. This act shall be in force from its passage.

A copy,

J. BELL BIGGER,

Clerk of the house of delegates and keeper of the rolls of Virginia.

6. And whereas the charter of incorporation as above set forth has expired by operation of law; therefore,

Be it enacted by the general assembly of Virginia—

§ 1. That said charter of incorporation, with the additional powers conferred by said act of assembly, be, and the same are hereby, revived and continued; that the persons who were stockholders of said Old Dominion iron and nail works company at the time of the expiration of its charter or who have succeeded to their rights, be, and they are hereby, re-incorporated and constituted a body corporate and politic by the same name of the Old Dominion iron and nail works company, with all the rights, powers and privileges contained in said certificate granted by said county court of Henrico and the act of assembly hereinbefore set forth, and with all the rights, powers and privileges, and subject to all the duties, restrictions and limitations conferred or imposed on similar corporations by the laws of this state; that those persons who were stockholders of said corporation at the time of the expiration of its charter and those who have succeeded to the rights of such stockholders since that time, be, and they are hereby, made stockholders in said company as hereby revived, continued and re-incorporated, and that all contracts made and all acts done and performed by said stockholders or said corporation or in its name since the expiration of its said charter, be, and the same are validated, made binding and confirmed to the same extent, and to that extent only, as if its charter had been in existence

during the whole time of the making of such contracts or the doing or performing of said acts.

§ 2. Said company shall pay its taxes to the State in money and not in coupons.

§ 3. This act shall be in force from its passage.

CHAP. 696.—An ACT to incorporate the Roanoke Valley railroad company.

Approved March 8, 1892.

1. Be it enacted by the general assembly of Virginia, That Waller P. Huff, M. C. Thomas, W. O. Hardaway, M. H. Claytor, and any person or persons that may associate with them, their successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Roanoke Valley railroad company, and as such are authorized and empowered to locate, construct, equip and operate a standard or narrow-gauge steam railroad, commencing at or within one mile of the city of Roanoke, in Roanoke county, Virginia, and thence by such route as may be deemed most advisable by the directors of said company through the counties of Roanoke and Botetourt, to a point in Rockbridge county, Virginia, and also build a line from Roanoke to Salem, Virginia, and by that name shall be known in law.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity; and may make and have a common seal, and alter or renew the same at pleasure, and shall have, possess and enjoy all the rights and privileges of a corporation or body politic in law and necessary for the purposes of this act.

3. The capital stock of said company shall not be less than twenty thousand dollars, and from time to time may be increased to any amount not exceeding nine hundred thousand dollars, by issue and sale of shares, the par value of which shall not be less than one hundred dollars, under such regulations as the board of directors of said company shall from time to time prescribe; and the directors may receive cash, labor, material, real or personal property in payment of subscriptions to the capital stock, at such valuation as may be agreed upon between the directors and subscribers, and may make such subscriptions payable in such manner or amount and at such times as may be agreed upon with the subscribers.

4. It shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for

such sum and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its works, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal and mixed, its covenants, contracts and privileges, and chartered rights and franchises, including its franchise to be a corporation; and it may, as the business of the company may require, sell, lease, convey and encumber the same.

5. It shall be lawful for the said company to subscribe to and hold shares in the capital stock of any mining or manufacturing corporation, and any mining or manufacturing or other corporation may lease or operate the road and property of the said company, or guarantee or hold stocks or bonds of the said company.

6. The said company is authorized and empowered to locate and construct branch lines of railroad from any point on its line to any point not exceeding twenty miles in distance, and may operate that portion from Roanoke to Salem by steam or electricity, and independently from the other line, and also to use such streets in the city of Roanoke as may be agreed upon by city council.

7. It shall be lawful for the said company to connect the said line, or any part of it, with any other railroad constructed now, or hereafter to be constructed in or to any of the said counties; and the said company may connect or unite its said road with that of any other company, or consolidate and merge its stock, property and franchises with those of any other company operating or authorized to operate a connecting line of railroad upon such terms as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and for this purpose power is hereby given to it and such other company or companies to make and carry out such contracts as may facilitate and consummate such connection, merger, or consolidation.

8. Said company may acquire by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroad and the necessary stations and depots for its operation. The said company may cross any railroad track at grade, or by proper bridges, tunnels and appliances to fully protect from any danger.

9. The said company shall be required to commence the construction of said road within two years from the passage of this act and to complete the construction of its main line within five years thereafter.

10. The persons first named in this act, or such of them as shall accept the provisions thereof, shall have the power and authority of a president and board of directors for the purposes of organization and for all other purposes. They shall continue in office until their successors shall

have been elected and qualified. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name.

11. The board of directors shall be stockholders of said company. They shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever ten per centum of the capital stock shall have been subscribed, and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of business.

12. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal offices of the company shall be located at some point within the limits of the state of Virginia.

13. Whenever the corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be imposed by law upon other like corporations or persons exercising like privileges, and all taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

14. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves to itself the right to modify, alter or repeal this act at any time hereafter.

CHAP. 697.—An ACT to amend and re-enact the charter of the town of Martinsville, in the county of Henry.

Approved March 3, 1892.

1. Be it enacted by the general assembly of Virginia, That the act approved the sixteenth day of January, eighteen hundred and seventy-three, entitled an act to incorporate the town of Martinsville, in the county of Henry, and all acts amendatory thereof since passed, be amended and re-enacted so as to read as follows:

CHAPTER I.

The town of Martinsville, in the county of Henry, chartered by an act of the general assembly of Virginia passed January sixteenth, eighteen hundred and seventy-three, and acts amendatory thereof since passed, shall by that name continue, and by name shall have and exercise all the powers and be subject to all the duties which now belong to the said town, and have all the powers and be subject to all the provisions of the existing laws with

regard to towns of less than five thousand inhabitants, except so far as the same may be changed and modified by this charter.

2. The mayor and councilmen of said town now in office, and their successors, shall continue to be a body politic and corporate by the name and style of the town of Martinsville, and by that name and style shall have perpetual succession, with the power in that name and style to sue and be sued, plead and be impleaded, in any of the courts of law or equity of this commonwealth, or before any justice of the peace of this county who has jurisdiction, with the same right of appeal as in case of individuals. The said town, by this name and style, shall have authority to purchase, receive and hold lands and tenements, goods and chattels, either in fee simple or any less estate therein, and shall have power the same to lease, give, grant and assign, or sell the same: provided the sale or purchase of real or personal property shall be by a two-thirds vote of the whole council, where the mayor does not assent thereto, and may place improvements on said real estate.

3. The boundaries of said town shall be as follows, to-wit: Beginning at mile-post number forty-two on the Danville and Western railroad; thence south eighteen degrees east three hundred yards to the southeast corner of Sallie C. Booker's lot on the turnpike; thence south fifteen degrees west eighteen hundred and ninety-eight yards to a poplar tree on the south bank of the Thomas branch; thence north sixty degrees west nine hundred and thirty yards to a pine tree on a ridge; thence north forty degrees west nine hundred yards to J. B. Lavinder's corner on turnpike, near the branch; thence north twenty-six degrees and thirty minutes west twelve hundred and ten yards to Jackson Este's corner on Waller's ford road; thence north fifty-four degrees east three hundred and ten yards to Marshall Hairston's fence corner on Jones's path; thence north sixty-one degrees east nine hundred and eighty-eight yards to mile post number forty-four on Danville and Western railroad; thence to Poplar spring branch and up the same, as it meanders, seventeen hundred and twenty yards to said mile post forty-two, the beginning.

4. The administration and government of said town shall be vested in one principal officer, to be styled the mayor, eight other trustees, who shall constitute the council of said town, and such officers and agents as may be appointed by the council. The mayor and members of the council shall have resided in said town twelve months and be elected from among the electors of the town, and elected by the qualified voters who shall have resided within the corporate limits of said town one year previous to the election, which shall take place on the fourth

Thursday in May, eighteen hundred and ninety-two, and every two years thereafter. The said mayor and councilmen shall hold their offices for the term of two years, commencing on the first day of July next after their election, and afterwards until their successors shall qualify, and members of the council shall receive no pay. And in the said council so composed, any five of whom shall constitute a quorum for the transaction of business, shall be vested the corporate powers of said town, and which shall be known as the council of the town of Martinsville.

5. The mayor and all other municipal officers of the said town, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the state by any one authorized to administer oaths under the laws of the state. If any person elected to any office fail to qualify before the first day of July next after such election, or any person appointed to any office by the mayor or council fail to qualify within thirty days after his appointment, or if any officer shall fail to give bond, with approved security within thirty days from the commencement of his term, as required to do, payable to the town of Martinsville, Virginia, the office shall be deemed vacant.

CHAPTER II.

6. Mayor.—The mayor shall preside over the deliberations of the council and be entitled to one vote in case of a tie. His salary shall be fixed by the council and shall not be diminished during his term of office, and shall be entitled to the like fees of a justice of the peace in civil and criminal cases.

7. The mayor shall, by virtue of his office, possess all the jurisdiction and exercise all the power and authority in civil and criminal cases arising in said town or in one mile of corporate limits of a justice of the peace of Henry county, in addition to the power given him by this act.

8. It shall be the duty of the mayor to make to the council at the commencement of each month a written statement of all the fines imposed, the amount, and the offence, and the person or persons convicted; any fines received by him, to pay in the same to the sergeant, and shall annually, at the commencement of each fiscal year, or oftener if required by the council, make a statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper.

9. The mayor shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine said officers and their subordinates on oath. He shall also

have power to suspend or remove any officer for misconduct in office or neglect of duty, but no such removal shall be made without reasonable notice to the officer complained of and an opportunity be afforded him to be heard in his defence. On the removal or suspension of such officer, the mayor shall report the same to the town council at their next stated meeting for their consideration, but in no case shall it be final until ratified by a majority of the whole council.

10. In case he deems it expedient the mayor may appoint and swear in special policemen for any occasion, provided they shall not serve longer than three days at a time, and receive no higher compensation than one dollar per day.

11. In case of the absence or inability of the mayor, the president of the council shall possess the same power and discharge the municipal duties of the mayor during such absence or inability, and in case of his absence or inability, such other member of the council shall act as mayor as may be designated and selected by the council and shall have the same power as the mayor.

12. The mayor shall have jurisdiction to hear and determine all matters and controversies arising under the laws, charter and ordinances of said town. He shall enforce the laws and ordinances of said town, and all orders and resolutions of the council and all violations of state laws, any of which offences are committed in said town, or within one mile of the corporate limits, and for that purpose may impose such fines and penalties, costs, and inflict such other penalties as may be provided by the laws and ordinances of said town. The mayor may issue any and all proper process, whether original, mesne or final, which may be necessary to enforce his judgment and authority. He shall by virtue of his office of mayor of the town of Martinsville, be a justice of the peace of Henry county.

13. The mayor alone shall have authority to issue his warrant and try parties for the violation of town charter or ordinances, except where he is interested or absent, the offender shall then be tried by the president of the council, or in case he is also interested or absent, by some member of the council designated as aforesaid.

14. In case a vacancy shall occur in the office of mayor, the town council shall fill the same from their own number, or by the election of any other citizen of the town.

15. The mayor may at any time have a called meeting of the town council.

16. The mayor may impose a fine of not over one dollar on any member of the council who fails to attend, who has no valid excuse.

17. The mayor shall have authority to issue executions for fines and to enforce his judgment in civil cases. And he may issue capias profines for all fines due said town and the commonwealth, and imposed by the corporate authorities.

18. The mayor may punish any person or member of the council attending a meeting of the council, or a mayor's court, for disorderly behavior or contempt, by fine or imprisonment, or both: provided the fine shall not exceed twenty-five dollars and the imprisonment ten days.

19. The mayor shall have power to administer oaths of office to any of the town officers or oaths to other persons.

20. The mayor shall, thirty days before any election, certify to the clerk of the county court a list of all persons convicted of any offence during his term of office and for twelve months last passed, which would disqualify them from voting, and state the offence for which they have been convicted.

CHAPTER III.

21. Town council.—The town council shall annually elect one of its members to act as president, who shall preside in the absence of the mayor, and have such power as this charter confers on him.

22. The council may at any time be convened by the order in writing of any four members directed to the clerk of the council, who, through the sergeant, shall notify the mayor and councilmen.

23. The council shall fix the time for their stated meeting, which shall be public, except when the public welfare shall require secrecy, and no business shall be transacted at a special meeting but that for which it was called.

24. The council shall have all the general powers vested in it by the laws of this state in addition to the powers given by this charter.

25. The council shall fix and determine the place where all elections provided for by this act shall be held, and in case of special election notice of the time, place and purpose thereof shall be published for four weeks in some newspaper published in the town of Martinsville, if any such, and posted at front door of Henry court-house. The electoral board for Henry county shall appoint three persons from among the qualified voters of said town, who shall act as judges of election, and they may appoint two clerks, and conduct the election and count the ballots, and so forth, as provided by state laws. The judges of election shall, on the day after the election, by one of their number deliver the ballots and the returns, sealed, to the clerk of the council, and he shall, on the following day, deliver the same to the three commissioners, who shall be appointed by said electoral board, annually, from the qualified

voters, and they shall canvass the returns and report to the mayor and council, which report shall be filed with the said clerk. All contested elections held under this charter or the by-laws of said town, shall be determined as directed by law in cases of contested county elections; but in any case where any two or more parties receive the same number of votes for any office, the said commissioners shall decide by lots who is entitled to the office.

26. The council shall aid the mayor in compelling the attendance of absent members, and may, by a three-fourths vote, remove or expel a member of the council or any town officer for malfeasance or misfeasance in office, and the removal of any member of the council or town officer from the corporate limits of said town, shall vacate his office.

27. No ordinance shall be passed or resolution adopted having for its object the appropriation of money, except by the concurrence of at least five members of the council.

28. The town council shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town, and of all property, real or personal, belonging to said town; and it shall have power to make such ordinances, by-laws and regulations relating to same as they may deem necessary to carry out the powers vested in them by this charter.

29. The council may establish or enlarge water-works, gas-works, telephone or electric lights or plants, or street-cars, or contract with other parties for building of the same within or without the limits of the town, to contract and agree with the owners of any land for the use and purchase thereof, or have the same condemned according to law, for the location, extension or enlargement of their said works, the pipes or wires connected therewith, or any of the fixtures or appurtenances thereof, and shall have the power to protect from injury, by ordinance prescribing adequate penalties, the said works, pipes, wires, fixtures and land, or anything connected therewith, whether within or without the limits of said town.

30. The council may open, close or extend, widen or narrow, lay out, graduate, curb, gutter and pave and otherwise improve streets, sidewalks and public alleys in said town, and have them kept in good order properly lighted; and over any street or alley in said town, which has been or may be ceded or conveyed to the town by proper deed, they shall have like power and authority as over other streets and alleys; they may build bridges in, and culverts under said streets, and may prevent or remove any structure, obstruction or encroachment over or under, or in any street, sidewalk or alley in said town, and may permit shade trees to be planted along side streets; but no company shall occupy with its works, or any appurte-

nances thereof, the streets, sidewalks or alleys of the town, without the consent of the council, duly entered upon its record. In the meantime no order shall be made and no injunction shall be awarded by any court or judge, to stay the proceedings of the town, in the prosecution of their works, unless it be manifest that they, their officers, agents or servants, are transcending the authority given them by this act, and that the interposition of the court be necessary to prevent injury that cannot be adequately compensated in damages.

31. To prevent the cumbering of streets, sidewalks, alleys, lanes or bridges in the town, in any manner whatever, and may give names to, or alter the names of, any street in said town.

32. The town council shall not take or use any private property for streets or other public purposes without making to the owner thereof just compensation for the same; but in cases where the council cannot, by agreement, obtain title to the ground for such purposes, it shall be lawful for said council to apply to and obtain from the circuit or county court of Henry county for authority to condemn the same, which shall be applied for and proceeded with according to law.

33. In every case where a street in said town has been or shall be encroached upon by any fence, building or otherwise, the council may require the owner (if known, or if unknown, the occupant of the premises encroaching) to remove the same; and if such removal be not made within the time prescribed by the council, they may impose a penalty of five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor with costs, by the same process they are empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the person claiming thereunder as against the said town.

34. Whenever any street, alley or lane in said town shall have been opened to and used as such by the public for the period of two years, the same shall thereby become a street, alley or lane for public purposes, and the council shall have the same authority and jurisdiction over and right and interest therein as they have by law over the streets, alleys and lanes laid out by them, and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said town by a plan or plat of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designed for private use. But upon a petition of a majority

of the persons interested therein, the council shall have power to open the same for the use of the public.

35. Whenever any new street shall be laid out, a street or sidewalk graded or paved, guttered or curbed, a culvert built, or any other public improvements whatsoever made, the council shall determine what portion, if any, of the expenses thereof shall be paid out of the town treasury, and what portion by the owners of real estate benefited thereby; but no such public improvements shall be made to be defrayed in whole or in part by a local assessment, until first requested by petition signed by at least a majority of the owners of property to be assessed for such improvements, or unless two-thirds of the entire council shall concur in voting any improvements to be expedient, or in determining to make the same after allegations have been heard, in which case no petition or request shall be necessary. The council shall have the same power to collect such local assessments for improvements as is vested in them for the collection of taxes.

36. No barb wire fence shall be allowed on any street or alley in said town, and any person having same shall be requested to remove same at once, and pay five dollars for each day the same remains after being requested to remove same.

37. The council shall have authority and power to establish and maintain a proper system of sewers and drains for said town, to make or construct sewers or public ducts through said town or wherever else within and around the town it may be deemed expedient, and regulate the method and terms upon which persons owning property abutting on the streets may be allowed or compelled to connect their property therewith.

38. To require and compel the abatement and removal of all nuisances within said town, at the expense of the person or persons causing the same, or the owner or owners of the ground whereupon the same shall be. To prevent and regulate slaughter houses, livery stables, soap and candle factories within said town, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment therein, and to regulate the transportation of coal and other articles through the streets of said town.

39. To direct the location of all buildings for storing gunpowder and other combustible substances, and to regulate the sale and use of gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid, or other combustible material. To regulate the exhibition of fire-works, the discharge of fire-arms, the use of lights and candles in barns, stables, and other buildings, and to restrain the making of bon-fires in streets and yards of said town.

40. To prevent hogs, dogs and other animals from running at large in said town, and may subject the same to such confiscations, regulations and taxes as they may deem proper.

41. To prevent the riding or driving of horses or animals at any improper speed, throwing stones, or the engaging in any employment or sport on the streets, side-walks or public alleys dangerous or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses or other animals in said town.

42. To restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly conduct or exhibitions in said town, and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

43. To prevent, forbid and punish the selling or giving liquors and intoxicating drinks to be drunk in any public place not duly licensed, and the selling or giving to be drunk any intoxicating liquors or cigarettes, cigars or tobacco to any child or minor without the consent in writing of his or her parents or guardian; and for any violation of any such ordinance may impose fines in addition to those prescribed by the laws of this state.

44. To prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town.

45. Any member of said council being voluntarily absent from its meetings consecutively for three months, the seat shall be deemed vacant, and the unexpired term shall be filled according to law.

46. The council shall from time to time as necessity may demand, and promptly when so required by any landowner or proprietor interested therein, establish a grade line for all the streets, alleys and sidewalks of said town, and which shall appear and be evidence by profile and map, to be recorded and preserved by the council, and when so established shall not be changed except by a unanimous vote of the council.

47. Where, by the provisions of this act, the council have authority to pass ordinances on any subject, they may prescribe any penalty not exceeding five hundred dollars and confinement in jail not exceeding ninety days for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the county jail of Henry county for a term not exceeding ninety days, which penalties may be prosecuted and recovered with costs in the name of the town of Mar-

tinsville, or shall compel them to work on the streets or other public improvements in said town, to pay said fines and costs.

48. The council may organize a chain-gang in conformity with law in said town, with rules and regulations for its government.

49. To prescribe limits within which no buildings shall be constructed, except brick, stone or other incombustible material with fire-proof roof, and to impose a penalty for violation of such ordinance, and shall have authority to inspect buildings and condemn such as are unsound and unsafe.

50. The council may by ordinance make such regulations not inconsistent with laws as they may deem expedient in relation to the erection and alteration of wooden buildings outside the building limits, and may regulate the building, management and inspection of elevators, hoist-ways and elevator shafts in the town.

51. The council may require each male person above the age of sixteen years to work two days on the public streets of said town, and if they fail to do so in person or by proper substitute as directed by the officer having the matter in charge, they shall within ten days pay to the sergeant seventy-five cents for each day they fail to work; upon their failure to do so they may be fined the sum of two dollars and fifty cents, and compelled to work out the same, and costs if not paid, on the streets of said town at the rate of fifty cents per day, and if the sergeant deems best the said parties may be held in custody until said fine and costs is worked out or paid.

CHAPTER IV.

52. The council shall appoint annually a sergeant, a clerk and a commissioner of the revenue for the said town, and such other policemen and such other officers and agents for the proper conduct and business of the town as may be necessary; shall fix their compensation and prescribe their duties where this charter does not, and require from any or all of them such bonds as may be deemed proper, payable to the town, in its corporate name, conditioned for the faithful discharge of their duties, which shall be executed before the mayor and approved by the council. The terms of each of said officers shall expire on the thirtieth day of June of each year after their appointment, and any of said officers, with the consent of the council, may nominate and appoint a deputy or deputies, who shall have all the power and authority of their principal.

53. In all cases of vacancies in any office, they may be filled by the council.

54. The sergeant of said town, who shall from time to time be appointed under this act, shall have the like rights of distress, and such power for the collecting the taxes and levies made by said council as county treasurer in similar cases, and shall be entitled to the same or the like fees and commissions, and in the services of process, arrest of parties and the collection of fines arising under authority of this act, or of any by-laws or ordinances made in pursuance hereof, he shall have and possess the same rights and powers and be entitled to the same or like fees and commissions as are now allowed by law to the sheriff for similar services. He shall report annually in the month of July all delinquent taxes, usurious assessments and insolvents to the town council.

55. The sergeant of said town may execute before the county court of Henry county a bond in the penalty of two thousand dollars, with approved security, by said court, and conditioned and payable as bonds of constables are now required by law; and upon giving such bond and qualifying in court he shall, by virtue thereof, have all the powers and be subject to all the liabilities of a constable of Henry county, both within said town and county.

56. The sergeant shall have power to execute all writs and processes, criminal and civil, original, mesne or final, legally issued by the duly authorized officers of said town anywhere in said town or county, and to serve notices and other papers *in pais*, usually served by executive officers. He shall be a conservator of the peace, and shall have authority to arrest parties for violation of law or town ordinance, in his presence, or who are escaping or preparing to escape, without any process or warrant so directing him to do, and so shall any policeman of said town.

57. The sergeant shall be the treasurer for said town. He shall execute bond before the mayor subject to the approval of the council, payable to said town, in such penalty as the council may determine with approved security. He shall hold and receive the moneys belonging to the said town; shall pay out the same upon warrants signed by the mayor and countersigned by the clerk of the council, and shall make monthly reports to the council of his receipts and disbursements during that month and the balance in his hands, and shall make a full settlement with the council or its committee at the end of each year, and oftener if required; and if he so fails to settle, he may be fined by the mayor the sum of one hundred dollars, and he shall be ineligible to said office.

58. The sergeant, as treasurer, shall keep his books, papers and accounts in such manner as the council may prescribe, and they shall, at all times, be open to the in-

spection of the mayor and council or any committee thereof. He shall keep a register of all warrants paid, their number, date, amount, to whom and when paid, and surrender them on receipt of the mayor and clerk upon his final settlement. He shall keep the town's money in such bank as the council may designate, deposited to his credit as treasurer, and shall not use the same or any part for his private use or purposes of others; if he does, he may be fined by the mayor one hundred dollars and removed from office.

59. The town council shall grant and pay town officers, clerks and assistants, elected or appointed in pursuance of this act, such salaries or compensation as the said council may from time to time deem just and proper, or shall be fixed by this act.

60. If any person, having been an officer of said town, shall not, within ten days after he shall have vacated or been removed from office, and upon notification or request of the town clerk within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books and papers in his custody or under his control, he shall forfeit and pay to the town the sum of two hundred dollars, to be sued for and recovered with costs, and may be fined by the mayor fifty dollars in addition, and all books, records and documents used in any such office, by virtue of any provision of this act or of any ordinance or order of the town council, or any superior officer of said town, shall be deemed the property of said town and appertaining to said office, and the chief officer thereof shall be responsible therefor.

61. The police force shall be under the control of the mayor for the purpose of enforcing peace and order, executing the laws of the state and the laws and ordinances of the town. They shall perform all such duties as the council may prescribe. Each policeman of said town shall be a conservator of the peace, and be endowed with all the powers and rights of a constable in criminal cases, and all other power that may be necessary to enable them to discharge their duties. Regulations for them may be established by the council.

62. The council shall appoint a clerk, who shall attend all meetings of the council, and keep a record of its proceedings in a bound book. He shall make out certificate of elections for mayor and councilmen, and shall have custody of the corporate seal, and all records and papers belonging to council, and shall publish such reports and ordinances as directed by the council, and shall perform such other acts and duties as the council may from time to time require of him.

63. The county electoral board shall annually appoint a registrar, whose duty it shall be to register every quali-

fied voter who has resided within the corporate limits of said town one year, in a book as prescribed by the laws of the state in case of registrars for the county.

64. The council shall appoint one commissioner of the revenue of said town, who shall give bond before the mayor with approved security, subject to the approval of the council, payable to the town, in such penalty as the council may determine.

65. He shall assess annually, as county assessors are required to do, all real and personal property in said town, and in the case of real estate, his assessment shall be based on the assessment for state and county purposes. In all cases where a license tax is required to be paid by the town authorities upon payment of the amount of the tax to the proper officer the said commissioner shall issue the license therefor.

66. The council may establish a fire department, and to appoint all necessary officers, make such regulations for their government, and prescribe such duties in case of fire or alarm of fire as may be necessary.

67. No person shall be eligible to any office in said town unless he is a qualified voter therein.

68. At each meeting of the council the proceedings of the last meeting shall be read to the council and be corrected, if erroneous, and signed by the person presiding for the time being. Upon the call of any, the ayes and noes on any question shall be recorded in the journal.

69. The mayor and council of the said town shall be entitled to the use of the town hall in the court-house building for holding mayor's court, council meetings and for meetings of the citizens of the town proper for public purposes.

CHAPTER V.

70. Finances.—The council may annually levy a tax for roads, streets, sidewalks and other purposes, by a two-thirds vote, to be approved by the mayor, on all real and personal property and other things or business in said town, which on no property shall exceed fifty cents on the hundred dollars valuation, except that on a petition of freeholders representing two-thirds of the valuation within the corporation, the council may levy a corporation tax not to exceed seventy-five cents on the hundred dollars of valuation. The poll tax shall not exceed fifty cents on each male person in any one year.

71. Nothing in this act shall be construed to exempt property from all or any county levies levied or to be levied in Henry county, nor shall there be so exempt any person or property in said county on which county levies are now or may hereafter be made.

72. The council may levy a tax for town purposes on water, gas-lights, electric-lights, use of telephones, street-cars, on license to agents of fire, life, and accidental insurance companies, whose principal office is not located in said town; to auctioneers, to public theatrical or other performances or shows, to keep a billiard-table and ten-pin alleys, to hawkers and peddlers, to agents for the renting of real estate, to commission merchants, to lumber and coal dealers, fertilizer agents, hotel and boarding-house keepers, merchants, tobacconists, tobacco dealers, warehousemen, banks, druggists, and may impose a license tax for the town on any business, employment, or profession, or agent in all cases, whether one is imposed by the state for state purposes or not, and may impose whatever license tax they may deem best, whether the same is in excess of that imposed by the state or not.

73. Any payment of taxes made by the tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent.

74. The council may require the owners or keepers of wagons, drays and carts, using them in the town for hire, to take out a license therefor, and may assess and require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and may prescribe their fees and compensation.

75. All goods and chattels whatsoever found may be distrained and sold for taxes assessed and due thereon, and no deed of trust nor mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed.

76. There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they are assessed. The council may require real estate in the town, delinquent for the non-payment of taxes due said town, to be sued for said taxes by the sergeant, with interest thereon at the rate of ten per centum per annum and the cost of sale. The real estate so sold may be redeemed as provided by the general laws of the state.

77. The town council may in the name and for the benefit of the town, contract loans, or cause to be issued certificates of debts, or bonds, for water, lights or any other improvement in said town: provided no such certificates of debts or bonds shall be issued by the council without being first authorized by three-fourths of the freehold voters of said town, and a majority of the registered voters, and approved by two-thirds of the whole council; said certificates of debt or bonds shall run for a period of thirty-four years, and shall bear no rate of interest in excess of six per centum per annum. In no case shall the

indebtedness of said town exceed twenty per centum of the assessed value of real and personal property.

78. No contract with said town shall be let to the mayor or any member of the council, and they shall have no interest therein. Whenever there shall be contracted by the council any debt not payable in one year thereafter, there shall be set apart annually for thirty-four years, or until the debt is paid, a sum not less than one per centum of the amount of any debt in addition to the annual interest thereon, which sums shall be applied and invested towards the payment of said debt.

79. The town of Martinsville, and the officers thereof, shall be clothed with all the powers, and be subject to all the provisions of the general laws of this state, except in so far as the same are in conflict with the provisions of this act.

80. The council may enact and ordain such ordinances, regulations and by-laws as they may deem necessary and proper for the interest and general good, safety, health and convenience of said town or the inhabitants thereof; to protect life, limb and character of the citizens, and to prevent and protect property, private or public, and to carry out the provisions of this charter, and to that end may provide for the punishment of all violations of the ordinances, by-laws and charter of this town, by fine or imprisonment, or both. The accused shall have the right of appeal to the county court in all cases of imprisonment or when the fine exceeds ten dollars, outside of the cost. The authorities of the town shall have the right to use the county jail, whenever it may be needed by them for the proper custody of prisoners. Whenever a judgment may be rendered against any party for a fine, on the direction of the mayor, or when a fieri facias issued for the fine is returned no effects, the person so fined shall be taken in custody by the sergeant or any policeman and compelled to work on the streets or public works of said town, at the rate of fifty cents per day until the fine and cost are paid: provided that no party shall be held in custody for a fine longer than six months, and shall be shod, clothed and fed by the town authorities while held in jail.

81. Any town process may run in the name of the commonwealth, but all warrants issued and tried by any officer for violations of any state laws, or corporation laws, ordinances, or charter, shall run in the name of the commonwealth, and be directed to the sergeant or any policeman of the town, but when the offence is against any town ordinance or law, and so forth, the offence shall be so stated in the warrant, and the recovery shall be in the name of the town of Martinsville; and fieri facias and capias profine may be issued for its recovery. No offence against the laws of the town shall be charged and em-

braced in the same warrant with any offence against the laws of the commonwealth. When there is any offence which is a violation of both town and state laws, and the accused is acquitted or convicted of a violation of the town laws by the town authorities, the same may be pleaded in bar of any trial or conviction by the state authorities.

82. All acts and parts of acts inconsistent with this are hereby repealed.

83. This act shall be in force from the time of its passage.

CHAP. 698.—An ACT to amend and re-enact section 2075 of the code of 1887 in relation to killing wild fowl in the waters of the commonwealth.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That section two thousand and seventy-five of the code of Virginia, eighteen hundred and eighty-seven, entitled "Penalty on non-residents for killing wild fowl," and so forth, be amended and re-enacted so as to read as follows:

§ 2075. No person who is not an actual resident of this state shall shoot at, catch or kill any wild fowl in any waters, or on any marshes, islands or beaches within the jurisdiction of the state, below the head of tide-water. This section shall not apply to non-residents shooting, catching or killing wild fowl within the jurisdiction of the counties of Accomac and Northampton: provided such shooting, catching or killing shall be for sport and pleasure, and not for profit: and provided further, that such non-resident shall be under the direction or guidance of a resident of this state. Any person violating the provisions of this section shall, for each offence, be fined one hundred dollars, one-half of which shall be to the informer.

2. This act shall be in force from its passage.

CHAP. 699.—An ACT to amend and re-enact an act approved February 16, 1892, entitled an act to amend and re-enact section 1 of chapter 129 of the acts of the general assembly of Virginia, approved February 28, 1890, entitled an act to prescribe the time for holding the courts in the seventeenth judicial circuit.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That an act approved February sixteenth, eighteen hundred and ninety-two, entitled an act to amend and re-enact section one of chapter one hundred and twenty-nine of the

acts of the general assembly of Virginia, approved February twenty-eighth, eighteen hundred and ninety, entitled an act to prescribe the time for holding the courts in the seventeenth judicial circuit, be so amended and re-enacted as to read as follows:

§ 1. That the circuit court for the several counties comprising the seventeenth judicial circuit shall be held as follows:

Buchanan county: On the fourth Monday in February, May and September.

Dickenson county: On the second Monday in February, May and October

Scott county: On the third Monday in March, June and November.

Lee county: On the first Monday in March, June and November.

Wise county: On the third Monday after the fourth Monday in March, the first Monday in September and first Monday in December, in the year eighteen hundred and ninety-two, and after that time, in succeeding years, the first Monday in April, September and December.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 700.—An ACT appropriating the public revenue for the two fiscal years, ending respectively, the 30th day of September, 1892, and the 30th day of September, 1893.

Approved March 4, 1892.

§ 1. Be it enacted by the general assembly of Virginia, That the public taxes and arrears of taxes due prior to the first day of October, in the year eighteen hundred and ninety-two, and eighteen hundred and ninety-three, respectively, as well as the revenue derived from all other sources, and all moneys not otherwise appropriated which shall come into the treasury prior to the first day of October, eighteen hundred and ninety-two, and the first day of October, eighteen hundred and ninety-three, shall constitute a general fund, and be, and the same is hereby, appropriated for the fiscal years to close on the thirtieth day of September, eighteen hundred and ninety-two, and the thirtieth day of September, eighteen hundred and ninety-three, respectively, in the following manner and for the following uses, to wit:

For the fiscal year ending on the thirtieth day of September, eighteen hundred and ninety-two.

Governor, salary of, five thousand dollars.

Governor's secretary, salary of, one thousand two hundred dollars.

Attorney-general, salary of, two thousand five hundred dollars.

Attorney-general, clerk to, one thousand dollars.

Attorney-general, contingent expenses of office, exclusive of mileage, three hundred dollars.

Auditor of public accounts, salary of, three thousand dollars.

Auditor of public accounts, twelve clerks in office, twelve thousand nine hundred and forty dollars.

Auditor of public accounts, contingent expenses of office, one thousand five hundred dollars.

Auditor (second), salary of, two thousand dollars.

Auditor (second), three clerks in office (section one hundred and eighty-three of code), three thousand two hundred and eighty dollars, and twelve hundred dollars for an additional clerk.

Auditor (second), contingent expenses of office, one hundred and fifty dollars.

Treasurer, salary of, two thousand dollars.

Treasurer, four clerks in office, four thousand three hundred and eighty dollars.

Treasurer, contingent expenses of office, two hundred dollars.

Secretary of commonwealth, salary of, two thousand dollars.

Secretary of commonwealth, clerks in office of, one of whom is librarian (see section one hundred and eighty-three code), two thousand dollars and nine hundred dollars for an additional clerk.

Secretary of commonwealth, contingent expenses of office, five hundred dollars.

Register of the land office, salary of, one thousand five hundred dollars, and seven hundred and eighty dollars for a clerk.

Register of land office, contingent expenses of office and for keeping walks and grounds in repair, and so forth, three hundred dollars, and one hundred dollars for binding records in office.

Board of public works, contingent expenses of office, including salary of secretary, seven hundred and fifty dollars.

Receiving and forwarding clerk and messenger to basement offices, twelve hundred dollars.

Janitor to basement offices, four hundred and eighty dollars.

Engineer at capitol, one thousand dollars.

Seven policemen at capitol, five thousand four hundred and sixty dollars.

One night watchman for treasurer's and second auditor's office, seven hundred and twenty dollars.

One night watchman at court of appeals, six hundred dollars.

Janitor and doorkeeper at the library, three hundred and sixty dollars.

Janitor in galleries, three hundred and sixty dollars.

Conductor of elevator, four hundred and eighty dollars.

Fireman for elevator, six hundred dollars.

Messenger to governor, seven hundred and eighty dollars.

Labor at executive mansion, six hundred dollars.

Three telephones in public buildings, one hundred and eighty dollars.

Ice, fuel and lights in public buildings and offices, two thousand five hundred dollars.

Commissioner of railroads, salary of, two thousand five hundred dollars.

Commissioner of railroads, salary of clerk, one thousand two hundred dollars.

Commissioner of railroads, contingent expenses of office, nine hundred dollars, four hundred dollars of which shall be for office rent.

Agriculture, bureau of, ten thousand dollars.

Agriculture, commissioner, salary of, one thousand five hundred dollars.

Agriculture, commissioner of, clerk to, six hundred dollars.

Adjutant-general, salary of (to be paid out of military fund), one thousand five hundred dollars.

Superintendent of public printing, salary of, one thousand five hundred dollars.

Superintendent of public printing, salary of porter, six hundred dollars.

Superintendent of public printing, rent of office, three hundred dollars.

Superintendent of public instruction, salary of, two thousand dollars.

Superintendent of public instruction, rent of office, three hundred dollars.

Penitentiary:

Officers, salary of, eight thousand five hundred and eighty dollars, including salary of matron and assistant clerk.

Guards, exterior and interior, twenty-one thousand and six hundred dollars.

Three directors, salary of, four hundred and fifty dollars.

Clerk of senate, including salary allowed him by code, one thousand six hundred dollars.

Clerk of the house of delegates, salary of, one thousand eight hundred dollars.

Judges of the supreme court of appeals:

President of court, three thousand two hundred dollars.

One associate judge, a resident of Richmond, four thousand dollars.

Three associate judges, at three thousand dollars each, nine thousand dollars.

Travelling expenses of judges, six hundred dollars.

Circuit judges:

Fifteen circuit judges, at one thousand six hundred dollars each, twenty-four thousand dollars.

One circuit judge, two thousand three hundred dollars.

One circuit judge, one thousand eight hundred dollars.

One circuit judge, one thousand nine hundred dollars.

Mileage of circuit judges, three thousand dollars.

Judge of chancery court of Richmond, two thousand three hundred dollars.

Reporter of court of appeals (supreme court), one thousand five hundred dollars.

Clerk of supreme court, at Staunton, four hundred dollars.

Clerk of supreme court, at Wytheville, four hundred dollars.

Clerk of supreme court, at Richmond, five hundred dollars.

Clerk of hustings court, at Richmond, one thousand dollars.

Clerk of the circuit court, at Richmond, four hundred dollars.

Commonwealth's attorney, at Richmond, two hundred and fifty dollars.

Contingent expenses of courts, thirty-one thousand five hundred dollars.

Civil contingent fund, ten thousand dollars.

Civil prosecutions on behalf of commonwealth, one thousand five hundred dollars.

Criminal charges:

To pay transportation for criminals to penitentiary, ten thousand dollars.

Expenses of juries, witnesses, and so forth, two hundred thousand dollars.

Public printing, twenty-eight thousand dollars.

Printing records of criminal cases in supreme court, five hundred dollars.

Virginia reports, to pay printing, binding, and so forth, three thousand dollars.

Oysters, protection of, maintenance of steamer and vessels, seventeen thousand dollars.

Three thousand dollars to the fish commissioner, to be expended as prescribed by law for the preservation and cultivation of fish, and to pay for receiving and transmitting reports of oyster inspectors as provided by law, and to enable said commissioner to carry out the provisions of the law, by compelling railroad companies and private individuals, owning or having control of dams or other obstructions, to provide for the free passage of fish in the waters of the commonwealth above tide-water.

General account of revenue :

To pay commissions to commissioners of the revenue, postage and express charges on land and property books, and so forth, fifty thousand dollars.

For registration of marriages and births, five thousand dollars.

Pensions :

To pay pensions of eighteen hundred and ninety-two, eighty-five thousand dollars, and seventy-five dollars to pay E. L. C. Scott for past due services performed in executing the pension law in eighteen hundred and eighty-seven; and the additional sum of fifteen thousand dollars, of which those soldiers, sailors or marines who have lost two limbs, or one limb and total vision, shall receive the sum of forty dollars in addition to the amount to which they are entitled under the act of assembly entitled an act to give aid to soldiers, sailors and marines of Virginia, maimed or disabled in the war between the states, and to the widows of Virginia soldiers, sailors and marines, who lost their lives in said war in the military service, approved March fifth, eighteen hundred and eighty-eight, and those who lost one limb, entitled to the benefit of said act, the additional sum of ten dollars, and the widows entitled to the benefit of said act, the additional sum of five dollars.

Lunatics :

Support of lunatics in jail and in charge of private persons, cost of commission of lunacy, and so forth, five thousand dollars.

Lunatic asylums :

Central, eighty thousand dollars, and ten thousand dollars for building purposes.

Eastern, in addition to pay patients, seventy-five thousand dollars, and twelve thousand dollars for the erection

of an additional building for inmates, and four thousand dollars to be applied to the construction of water-works and providing fire apparatus.

Western, in addition to pay patients, ninety-three thousand five hundred dollars, and nine thousand dollars to complete and furnish two new buildings recently erected for lunatics.

Southwestern, in addition to pay patients, forty thousand dollars, and the sum of nine hundred dollars is hereby appropriated, or so much thereof as may be necessary, from any funds in the treasury not otherwise appropriated, to pay a commission consisting of three learned and expert physicians to examine and inquire into the question whether or not any different system or laws ought to be devised and enacted as to the admission of patients into the various lunatic asylums of the commonwealth. Said commission shall further inquire and examine the various asylums of the state and ascertain whether or not there are patients in said asylums who should not be so confined there as insane persons. And said commission shall be appointed by the governor of this state within thirty days from the adjournment of this session of the general assembly, and said commission shall report at the conclusion of their labors to the governor, and report by bill or otherwise.

Institutions of learning:

Medical college of Virginia, at Richmond, three thousand dollars.

State female normal school, twelve thousand dollars.

University of Virginia, forty thousand dollars, of which five thousand dollars shall be used for repairs.

Virginia military institute, thirty thousand dollars, which shall include expenses of board of visitors, except as to the expenses of the adjutant-general and superintendent of public instruction, whose expenses shall be paid as provided for by law, and five thousand dollars for repairs to building.

Deaf and dumb and blind institution, thirty-five thousand dollars, and two thousand five hundred dollars for repairs.

Virginia agricultural and mechanical college, at Blacksburg, Virginia, two thousand five hundred dollars for insurance and repairs, and thirty-seven hundred and fifty dollars for completion of machinery hall, forge, and purchase of machinery.

Virginia normal and collegiate institute, fifteen thousand dollars, and fifteen hundred dollars to pay old debt.

William and Mary college, fifteen thousand dollars, which sum is to include the allowance of ten thousand

dollars authorized by an act approved on the fifth day of March, eighteen hundred and eighty-eight.

Public schools, two hundred thousand dollars. This sum to be turned over to the state board of education, and by that board apportioned to the public free schools of the several counties and cities of the commonwealth.

To pay for printing in connection with suit of Virginia against Tennessee, fourteen hundred and thirty-five dollars, and to pay W. F. Rhea, as counsel in same suit under contract with the governor, one thousand dollars.

To pay Rufus B. Weaver for removing Confederate dead from Gettysburg to Hollywood cemetery, three thousand dollars.

To pay for survey of the natural oyster beds, which survey may be made in pursuance of law, five thousand dollars.

Twelve thousand five hundred dollars for the purpose of exhibiting the products of Virginia at the World's Fair at Chicago, to be expended upon the order of the governor.

For the fiscal year ending on the thirtieth day of September, eighteen hundred and ninety-three.

Governor, salary of, five thousand dollars.

Governor, salary of secretary, one thousand two hundred dollars.

Attorney-general, salary of, two thousand five hundred dollars.

Attorney-general, salary of clerk, one thousand dollars.

Attorney-general, contingent expenses of office, exclusive of mileage, three hundred dollars.

Auditor of public accounts, salary of, three thousand dollars.

Auditor of public accounts, twelve clerks in office, twelve thousand nine hundred and forty dollars.

Auditor of public accounts, contingent expenses of office, one thousand five hundred dollars.

Auditor (second), salary of, two thousand dollars.

Auditor (second), three clerks in office (section one hundred and eighty-three of code), three thousand two hundred and eighty dollars, and twelve hundred dollars for an additional clerk.

Auditor (second), contingent expenses of office, one hundred and fifty dollars.

Treasurer, salary of, two thousand dollars.

Treasurer, salary of four clerks in office, four thousand three hundred and eighty dollars.

Treasurer, contingent expenses of office, two hundred dollars.

Secretary of commonwealth, salary of, two thousand dollars.

Secretary of commonwealth, clerks in office of, one of whom is librarian (see acts of eighteen hundred and eighty-one and eighty-two, page two hundred and thirty-four), two thousand dollars, and nine hundred dollars for an additional clerk.

Secretary of commonwealth, contingent expenses of office, five hundred dollars.

Register of the land office, salary of, one thousand five hundred dollars, and seven hundred and eighty dollars for a clerk.

Register of land office, contingent expenses of office and for keeping walks and grounds in repair, and so forth, three hundred dollars.

Board of public works, contingent expenses of office, including salary of secretary, seven hundred and fifty dollars.

Receiving and forwarding clerk and messenger to basement offices, twelve hundred dollars.

Janitor to basement offices, four hundred and eighty dollars.

Engineer at capitol, one thousand dollars.

Seven policemen at capitol, five thousand four hundred and sixty dollars.

One night watchman for treasurer's and second auditor's offices, seven hundred and twenty dollars.

One night watchman at court of appeals, six hundred dollars.

Janitor and doorkeeper at library, three hundred and sixty dollars.

Janitor in galleries, three hundred and sixty dollars.

Conductor of elevator, four hundred and eighty dollars.

Fireman for elevator, six hundred dollars.

Messenger to governor, seven hundred and eighty dollars.

Labor at executive mansion, six hundred dollars.

Three telephones in public buildings, one hundred and eighty dollars.

Ice, fuel and light in public buildings and offices, two thousand five hundred dollars.

Commissioner of railroads, salary of, twenty-five hundred dollars.

Commissioner of railroads, salary of clerk to, one thousand two hundred dollars.

Commissioner of railroads, contingent expenses of office, nine hundred dollars (four hundred dollars of which shall be for office rent).

Agriculture, bureau of, ten thousand dollars.

Agriculture, commissioner of, salary of, one thousand five hundred dollars.

Agriculture, commissioner of, clerk to, six hundred dollars.

Adjutant-general, salary of (to be paid out of military fund), one thousand five hundred dollars.

Superintendent of public printing, salary of, one thousand five hundred dollars.

Superintendent of public printing, salary of porter, six hundred dollars.

Superintendent of public printing, rent of office, three hundred dollars.

Superintendent of public instruction, salary of, two thousand dollars.

Superintendent of public instruction, rent of office, three hundred dollars.

Penitentiary:

Officers, salary of, eight thousand five hundred and eighty dollars, including salary of matron and assistant clerk.

Guards, exterior and interior, salary of, twenty-one thousand and six hundred dollars.

Three directors, salary of, four hundred and fifty dollars.

Clerk of senate, including salary allowed him by code, one thousand six hundred dollars.

Clerk of the house of delegates, salary of, one thousand eight hundred dollars.

Judges of the supreme court of appeals:

President of the court, three thousand two hundred dollars.

One associate judge, a resident of Richmond, four thousand dollars.

Three associate judges, at three thousand dollars each, nine thousand dollars.

Travelling expenses of judges, six hundred dollars.

Circuit judges:

Fifteen circuit judges, at one thousand six hundred dollars each, twenty-four thousand dollars.

One circuit judge, two thousand three hundred dollars.

One circuit judge, one thousand eight hundred dollars.

One circuit judge, one thousand nine hundred dollars.

Mileage of circuit judges, three thousand dollars.

Judge of chancery court, at Richmond, two thousand three hundred dollars.

Reporter court of appeals (supreme court), one thousand five hundred dollars.

Clerk of supreme court, at Staunton, four hundred dollars.

Clerk of supreme court, at Wytheville, four hundred dollars.

Clerk of supreme court, at Richmond, five hundred dollars.

Clerk of hustings court, at Richmond, one thousand dollars.

Clerk of circuit court, at Richmond, four hundred dollars.

Commonwealth's attorney, at Richmond, two hundred and fifty dollars.

Contingent expenses of courts, thirty-one thousand five hundred dollars.

Civil contingent fund, ten thousand dollars.

Civil prosecutions on behalf of commonwealth, one thousand five hundred dollars.

Criminal charges:

To pay transportation for criminals to penitentiary, ten thousand dollars.

Expense of juries, witnesses, and so forth, two hundred thousand dollars.

Public printing, eighteen thousand dollars.

Printing records of criminal cases in supreme court, five hundred dollars.

Virginia reports, to pay printing, binding, and so forth, three thousand dollars.

Oysters, protection of and maintenance of steamer and vessels, seventeen thousand dollars.

Three thousand dollars to the fish commissioner, to be expended as prescribed by law for the preservation and cultivation of fish, and to pay for receiving and transmitting reports of oyster inspectors, as provided by law, and to enable said commissioner to carry out the provisions of the law by compelling railroad companies and private individuals owning or having control of dams or other obstructions, to provide for the free passage of fish in the waters of the commonwealth above tide-water.

General account of revenue:

To pay commissions to commissioners of revenue, postage and express charges on land and property books, and so forth, fifty thousand dollars.

For registration of marriages and births, five thousand dollars.

Pensions:

To pay pensions for eighteen hundred and ninety-three, eighty-five thousand dollars, and the additional sum of fifteen thousand dollars, of which those soldiers, sailors or marines, who have lost two limbs, or one limb and total vision, shall receive the sum of forty dollars in addition to the amount to which they are entitled under the act of assembly entitled an act to give aid to soldiers, sailors and marines of Virginia, maimed or disabled in the war between the states, and to the widows of Virginia soldiers,

sailors and marines, who lost their lives in said war in the military service, approved March fifth, eighteen hundred and eighty-eight, and those who lost one limb, entitled to the benefit of said act, the additional sum of ten dollars; and the widows, entitled to the benefits of said act, the additional sum of five dollars.

Lunatics:

Support of lunatics in jail and in charge of private persons, cost of commissions of lunacy, and so forth, five thousand dollars.

Lunatic asylums:

Central, eighty thousand dollars, and ten thousand dollars for building purposes.

Eastern, in addition to pay patients, seventy-five thousand dollars, and four thousand dollars to complete water-works.

Western, in addition to pay patients, one hundred and six thousand dollars.

Southwestern, in addition to pay patients, forty thousand dollars.

Institutions of learning:

Medical college of Virginia, at Richmond, three thousand dollars.

State female normal school, twelve thousand dollars.

University of Virginia, forty thousand dollars, of which five thousand dollars shall be used for repairs.

Virginia military institute, thirty thousand dollars, which shall include the expenses of the board of visitors, except as to the expenses of the adjutant-general and superintendent of public instruction, whose expenses shall be paid as provided for by law; five thousand dollars for repairs to buildings.

Virginia agricultural and mechanical college, two thousand five hundred dollars for insurance and repairs to buildings.

Deaf and dumb and blind institute, thirty-five thousand dollars.

Virginia normal and collegiate institute, fifteen thousand dollars.

William and Mary college, fifteen thousand dollars, which sum is to include the allowance of ten thousand dollars authorized by act approved on the fifth day of March, eighteen hundred and eighty-eight.

Public schools:

Two hundred thousand dollars. This sum to be turned over to the state board of education, and by that board ap-

portioned to the public free schools of the counties and cities of this commonwealth.

Twelve thousand five hundred dollars for the purpose of exhibiting the products of Virginia at the World's Fair at Chicago, to be expended upon the order of the governor.

To pay the interest on the public debt funded under the acts approved February fourteenth, eighteen hundred and eighty-two, and February twentieth, eighteen hundred and ninety-two, a sum sufficient for that purpose is hereby appropriated.

2. So much of the public revenue as may be received into the treasury after the thirtieth day of September, eighteen hundred and ninety-two, and the surplus of all other appropriations made prior to that date unexpended within the two fiscal years hereinbefore provided for, and all other moneys not otherwise appropriated by law, shall constitute a general fund to defray such expenses authorized by law as are not herein particularly provided for.

3. The annuities to the public institutions of the state and to the lunatic asylums shall be paid in monthly instalments, and it shall be lawful for the auditor of public accounts, on the first day of October, eighteen hundred and ninety-three, the first day of November, eighteen hundred and ninety-three, the first day of December, eighteen hundred and ninety-three, the first day of January, eighteen hundred and ninety-four, the first day of February, eighteen hundred and ninety-four, and the first day of March, eighteen hundred and ninety-four, to pay to said institutions and asylums their monthly allowances, which payments shall be charged against the appropriations for the years eighteen hundred and ninety-two and eighteen hundred and ninety-three: provided that any act in force hereafter at the date when such payments or any of them are required to be made, and directing a different manner of payment, shall supersede this section and control the manner of payment by the auditor to said institutions and asylums.

4. It shall not be lawful for the auditor of public accounts to pay to the asylums or other institutions any money except as is provided for in this act, or in pursuance of some act making a special appropriation therefor. And the proper officer of each public institution of the state for which appropriation is hereby made shall, in their annual reports to the governor, give an itemized account of the expenses of their respective institutions, and every officer of the state for whose department appropriations are hereby made shall make annually a report to the governor, covering an itemized account of the expenditures of such appropriations, and the governor shall forward the reports to the general assembly, and such reports and accounts shall embrace the expenditures of all funds appro-

priated, including the interest on bonds held by such institutions and hereinbefore directed to be paid them.

5. All acts and parts of acts inconsistent herewith are hereby repealed.

6. This act shall be in force from its passage.

CHAP. 701.—An ACT to amend and re-enact section 3224 of the code of Virginia, in relation to summons and service of scire facias.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and twenty-four of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 3224. How summons in scire facias served; copy to be made out for defendant.—Any summons or scire facias may be served as a notice is served under section thirty-two hundred and seven, except that when such process is against a corporation, the mode of service shall be as prescribed by the following section: the clerk issuing such process, unless otherwise directed, shall deliver or transmit therewith as many copies thereof as there are persons named therein, on whom it is to be served.

2. This act shall be in force from its passage.

CHAP. 702.—An ACT to provide for Boards of appraisers to assess damages to owners of property injured on railroad tracks.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That whenever any property is injured by any train of cars or locomotive upon any railroad track within this state, it shall be lawful for the owners of the property so injured to have the property examined and the damages assessed by a board of appraisers in the following manner: The owner of such property, his agent or attorney may appoint a discreet, intelligent and disinterested freeholder of the county where the injury occurred, as the appraiser in his behalf, and notify the nearest section foreman of the company, or person in charge of such section, that such an appointment has been made, and thereupon it shall be the duty of such section foreman to appoint a like appraiser on behalf of the railroad company, who, after being duly sworn, shall constitute a board of

appraisers, to examine the property injured, and if the same be killed, fix the fair cash value thereof; and if the same be crippled, fix the amount of the deterioration of such fair cash value by reason of the injury. In case said two appraisers are unable to agree, they may appoint a third, who being duly sworn, shall be a member of the board, any two of whom may then determine the matter. The said board shall make duplicate returns in writing, one to said owner and the other to said section foreman, carefully describing the property injured, the nature of the injury, and the value or deterioration in value, as hereinbefore provided. And in any action or suit for any such injury the amount so found by said board shall be taken *prima facie* as the true value of said property or amount of such deterioration.

2. The station agents of the railroad companies in this state are hereby authorized to administer the oaths provided for by this act, but shall not be authorized to make any charge therefor.

3. The appraisers shall receive for their services under this act, each the sum of one dollar, to be paid equally by the railroad company and the owner of the property injured, but in case of action or suit, the successful party shall recover as a part of his costs the amount of compensation paid by him to the appraisers.

4. This act shall be in force from its passage.

CHAP. 703.—An ACT to amend and re-enact section 3140 of the code of Virginia in relation to exemption from jury duty.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and forty of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3140. Who are exempt.—The governor and lieutenant-governor of the state, practising attorneys, licensed practising physicians, registered pharmacists, officers of any court, all telegraph operators actually employed as such, all pilots licensed under the laws of the United States or of this state, members of the fire department of a city or town, and the officers and members of any fire company therein, and all officers and persons who have heretofore or may hereafter serve as members of any such fire department or company for five years; the vice-president of the United States, the members of both houses of congress and their respective officers, all custom-house officers with their

clerks, all postmasters, post-officers, post-riders and stage-drivers, and all other persons employed in the care and conveyance of the mail of the United States; all mariners actually employed in the service of any citizen or merchant within the United States, the secretary of the commonwealth, the attorney-general, treasurer, the two auditors, register of land office, railroad commissioner, commissioner of agriculture and superintendent of public instruction and their respective clerks, the door-keeper of the executive, the clerks of both houses of the general assembly, the judge of any court, all inspectors or samplers of tobacco, all professors, tutors and pupils of public seminaries, all ministers of the gospel licensed to preach according to the rules of their sect, keepers of the county and corporation jails, superintendents and servants of the public hospitals and lunatic asylums; superintendent of the penitentiary, his assistants and the persons composing the guard, the officers of the several banks established by law, the police in cities and towns, the tipstaff and crier of the court of appeals, during its sitting; all millers necessarily and personally employed in any grist mill; all ferrymen, in like manner, employed at any ferry established by law; the six lock-keepers of the Dismal Swamp canal company; all toll-gatherers on any canal or turnpike company in this state, and non-commissioned officers and members of volunteer companies, shall be exempt from serving on juries in civil and criminal cases; and the citizens of Tangier sexes, Chincoteague islands, in the county of Accomac, and Hogg and Cobb's islands, in the county of Northampton, shall be exempt from jury service, except service on grand juries; but to entitle the officers and members of a fire department or company or of a volunteer company to this exemption, the captain or chief officer of such department or company, shall annually on the first day of May of each year, furnish to the clerk of the county or corporation court of the county or corporation wherein such department or company is, a list containing the name of each officer and member of his department or company, and where there are contributing members to his department or company, the name of each contributing member shall be likewise furnished.

2. This act shall be in force from its passage.

CHAP. 704.—An ACT to provide for the collection, arrangement and display of the products of the state of Virginia at the World's Columbian exposition of 1893.

Approved March 4, 1892.

Whereas the congress of the United States has provided, by an act approved April twenty-fifth, eighteen hundred and ninety, for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea, in the city of Chicago, in the state of Illinois, in the year eighteen hundred and ninety-three; and

Whereas it is of great importance that the natural resources, industrial development, and general progress of the state of Virginia should be fully and creditably displayed to the world at said exposition; therefore,

1. Be it enacted by the general assembly of Virginia, That for the purposes of exhibiting the resources, products, and general development of the state of Virginia at the World's Columbian exposition of eighteen hundred and ninety-three, a commission is hereby constituted, to be designated, the board of world's fair managers of Virginia, which shall consist of ten residents of the state of Virginia, one from each congressional district of the state, to be organized and continue its duties as hereinafter provided.

2. The two World's Columbian commissioners and the two lady managers of the World's Columbian commission of Virginia, as appointed pursuant to act of congress, shall be ex-officio members of the board of world's fair managers of Virginia.

3. The said members of the board shall be appointed by the governor within thirty days after the passage of this act, and said board shall meet for organization at such time as the governor may appoint, and organize by the election of a president, a vice-president, a secretary and a treasurer, and the offices of secretary and treasurer may be filled by the same person, who may or may not be a member or members of said board.

4. The treasurer of said board shall give a bond to the state in the sum of ten thousand dollars, with one or more sureties, to be approved by the governor, for the proper performance of his duties. Seven of the male members of said board may constitute a quorum for the transaction of business.

5. The board shall have power to make rules and regulations for its own government: provided such rules and regulations shall not conflict with the regulations adopted under the act of congress for the government of said

World's Columbian exposition, and may appoint an executive committee of five of its members, to whom may be delegated such powers as the board may deem proper. Any member of the board may be removed at any time by the governor for cause. Any vacancy which may occur in the membership of the board shall be filled by the governor.

6. The members of the board of world's fair managers of Virginia, appointed under this act who are not officers thereof, shall not be entitled to any compensation for their services out of the fund herein appropriated, except their actual necessary expenses incurred while engaged in the business of the board. The said board of managers is authorized to appoint two executive commissioners, one of whom shall be a practical business man, and whose duties shall be the collection and transportation of exhibits, et cetera, to said fair, and the other a man of scientific attainments, whose duty shall be to superintend the arrangement, classification, exhibition and advertisement of the articles sent to Chicago for exhibition purposes; and also one lady assistant to take charge of the ladies' work; and the said board shall fix the salaries of these officers, and no other salaries are to be paid other than those of the secretary and treasurer.

7. The board of world's fair managers of Virginia shall have authority to take all needful steps to secure a complete and creditable display of the interest of the state at the World's Columbian exposition of eighteen hundred and ninety-three, and to have charge of the solicitation, collection, transportation, arrangement and exhibition of the objects sent under the authority of the state to the said exposition, and of such objects sent by the counties, cities and towns of the state, or by individual citizens, corporations, institutions, et cetera, of the state, as may be by them placed in their charge; and to have prepared and distribute at the world's fair such maps, charts, handbooks and other descriptive representations of the resources and advantages of the state as with the aid of the commissioner of agriculture of the state, or otherwise, they shall be able economically to provide as they shall deem important and useful to attract the public attention to the state and its superior advantages. And the said board shall have charge of the interest of the state and its citizens in the preparation and exhibition at the World's Columbian exposition of eighteen hundred and ninety-three, of the natural and industrial products of the state, and of objects illustrating its history, progress, moral and material welfare and future development, and all other matters relating to the said World's Columbian exposition; it shall communicate with the officers of, and obtain and disseminate through the state, all necessary information regarding said exposition, and in general have and

exercise full authority in relation to the participation of the state of Virginia and its citizens in the World's Columbian exposition of eighteen hundred and ninety-three.

8. The said board shall make a report of its proceedings and expenditures from time to time to the governor, and at any time upon his written request, which he may transmit to the legislature, together with such suggestions as he may deem important regarding provision for a complete and creditable representation of the state at the World's Columbian exposition of eighteen hundred and ninety-three.

9. It shall be lawful for the counties, cities or towns of the state, through the respective boards of supervisors of such counties and the common council or other proper municipal authorities of such cities or towns, to make such appropriations and expenditures as they shall deem proper and useful in aiding the people of their respective counties, cities and towns to prepare for and participate in said exposition at Chicago. And the boards of supervisors or other proper municipal authorities are hereby authorized and empowered to levy and collect such amounts as shall be deemed necessary for the purpose named, and to direct the application and disbursement thereof as they shall deem best to effectuate the object in view; and the board of world's fair managers of Virginia shall have authority to receive and exhibit any objects for exhibition or advertising matter furnished by any such county, city or town, and shall disburse any money placed in its hands by any such county, city or town for the benefit of such exhibit made by said county, city or town.

10. There shall be also appointed by the governor one man and woman from each county and city of the state, who shall constitute an auxiliary board, who shall assist the board of world's fair managers of Virginia in their work in the various counties and cities of the state in such manner as shall be found practicable and useful, and as shall be designated or suggested by the said board of managers; and said auxiliary board may be convened by the president of the board of managers and may organize by the election of a president and other officers, and the appointment of such committees for the distribution and dispatch of their work as shall appear expedient. Members of the auxiliary board shall receive no compensation for their services nor any allowance on account of expense.

11. This act shall be in force from its passage.

CHAP. 705.—An ACT to prescribe the time for holding the courts of the fourteenth judicial circuit.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That the circuit courts for the several counties of the fourteenth judicial circuit shall be held at the following times in each year:

Botetourt county: Twenty-third day of May and twenty-second day of October.

Craig county: Fifteenth day of April and fifteenth day of October.

Floyd county: Third day of May and sixteenth day of November.

Montgomery county: Tenth day of May and twenty-sixth day of November.

Roanoke county: First day of January, first day of April, fifth day of June, and first day of October.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 706.—An ACT to provide for the expenses of the boards of visitors of the institutions of learning.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That the boards of visitors of the University of Virginia, Virginia military institute, Virginia agricultural and mechanical college, State female normal school, Virginia normal and collegiate institute and William and Mary college normal male school shall receive their actual expenses (itemized) incurred in the discharge of their duties in attending the meetings of said boards.

2. All acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 707.—An ACT to provide for the printing and distribution of the school laws and regulations of the school board of the state of Virginia.

Approved March 4, 1892.

Whereas it is desirable, for the more efficient and successful operation of the free-school system of the state of

Virginia, that the school laws and regulations of the board of education of the state should be printed in a convenient form and distributed among the school trustees and other school officials; therefore,

1. Be it enacted by the general assembly of Virginia, That the superintendent of public printing is directed to have printed, pursuant to the instructions and directions of the board of education, the school laws and regulations of the board of education of the state. The copies of these laws and regulations, so printed, he shall distribute among the school trustees of the state and such other persons as may be indicated by the board aforesaid.

2. That the auditor of public accounts, on presentation of the accounts of the superintendent of public printing, approved by the board of education, shall issue warrants on the treasurer for the payment thereof.

3. That the sum of two hundred dollars, or so much thereof as may be necessary for the settlement of the expenses of the printing and distribution aforesaid, is hereby appropriated out of any money in the treasury not otherwise appropriated.

4. This act shall be in force from its passage.

CHAP. 708.—An ACT to amend and re-enact section 244 of an act approved March 6, 1890, in relation to licenses.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That section twenty-eight of an act to provide for the assessment of taxes on persons, property and incomes, and on licenses to transact business, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and prescribe the mode of obtaining licenses to sell wine, ardent spirits, malt liquors, or any mixture thereof, in cases where a court certificate is required, be amended and re-enacted so as to read as follows:

§ 28. For every license to a merchant or mercantile firm, the amount to be paid shall be graduated as follows: If the amount of purchases shall not exceed one thousand dollars, the amount shall be five dollars; when purchases exceed one thousand dollars, but do not exceed two thousand dollars, the amount shall be ten dollars; and for all purchases over two thousand dollars, and less than fifty thousand dollars, there shall be paid thirty cents on the one hundred dollars; and upon all purchases over fifty thousand dollars, there shall be paid ten cents on every

hundred dollars in excess of fifty thousand dollars. The sums imposed under and by virtue of this section shall be in lieu of all taxes for state purposes on the capital actually employed by said merchant or mercantile firm in said business. The word capital shall include only the actual amount invested by such merchant or mercantile firm in goods, wares and merchandise, constituting stock in trade; all other property held by such merchant or firm shall be listed and taxed as other property. The sums required by this section to be paid when the license is taken out shall be collected in the same manner that the amounts required to be paid for other licenses are collected. If, at the close of the year for which his license issued, the merchant should elect not to renew it, but desires the privilege to sell whatever remnant of purchases he may have on hand at the time, it may be lawful for him to do so upon the payment for a license upon said remnant of merchandise, to be regarded for purposes of revenue as purchases. Merchant tailors, lumber merchants, furniture merchants, butchers, green grocers, hucksters, dealers in coal, ice or wood, shall be embraced in this section; but dealers in coal, wood, ice or fresh meats, paying license tax under this section, may peddle the same from vehicles without paying additional tax. But nothing in this section shall be so construed as to require a license of any person who may canvass any county or corporation to buy lambs, pigs, calves, fowls, eggs, butter and such like small matters of subsistence designed as food for man; but any person who shall keep a place of business for the purpose of selling such articles in, or within, a half mile of any city or town in the state, shall take out license therefor as herein prescribed. So much of this act as authorizes dealers in fresh meat, who have paid the specific license tax provided for herein, to peddle the same from vehicles without paying an additional tax shall not apply to any city nor to any incorporated town which has a market.

2. This act shall be in force from its passage.

CHAP. 709.—An ACT to amend and re-enact section 3319 of chapter 163, code of Virginia, in relation to the appointment of commissioners in chancery, as amended and re-enacted by an act approved February 4, 1890, and by an act approved February 24, 1890.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That section three thousand three hundred and nineteen of chapter one hundred and sixty-three of the code of Virginia, as amended by an act approved February fourth,

eighteen hundred and ninety, and by an act approved February twenty-fourth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 3319. Each circuit court and each corporation court having chancery jurisdiction, or the judges thereof in vacation, shall from time to time appoint commissioners in chancery, who shall be removable at pleasure. There shall be not more than four such commissioners in office at the same time for the same court, except that the chancery court of the city of Richmond may have ten; the circuit court of the county of Norfolk, eight; the corporation court of the city of Portsmouth, six, and the corporation courts and the circuit courts of the counties of Augusta, Pittsylvania, Loudoun, Rockingham, Louisa, Frederick and Shenandoah and the city of Petersburg may each have five in office at the same time, and the county of Chesterfield may have six.

2. This act shall be in force from its passage.

CHAP. 710.—An ACT to authorize the board of supervisors of the county of Henrico to consent to the use of public highways by the United States in constructing and maintaining a roadway along the old Osborne turnpike.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Henrico county be, and is hereby, empowered and authorized to consent to the use of the old Osborne turnpike or road by the United States in constructing and maintaining a roadway, not exceeding one hundred feet in width, from the eastern limits of the city of Richmond along the said Osborne turnpike or road, to any point in the vicinity of what is known as Fort Harrison.

2. That the said board of supervisors of Henrico county are further empowered and authorized to acquire by purchase or condemnation, a right of way not exceeding one hundred feet in width, over any and all property that may lie between the point on the said Osborne turnpike or road (which shall be selected as the terminus on that road for the said United States road) and the Fort Harrison cemetery, and also such property as may be necessary to widen any highway mentioned or intended in this act, to not exceeding one hundred feet, and to consent to the use of any public highway or highways that it may be necessary to cross or use in making a convenient approach to said cemetery; and if the said board of supervisors cannot agree with those entitled to the land upon the

terms of purchase for said purpose, it shall apply to the court of said county, which shall appoint five disinterested freeholders (any three of whom may act) for the purpose of ascertaining a just compensation for said land. The appointment of said commissioners, the notice of the application for their appointment, and the subsequent proceedings shall conform to the provisions of the forty-sixth chapter of the code of Virginia, eighteen hundred and eighty-seven, as nearly as may be.

3. That when said right of way has been acquired, the said board of supervisors are authorized to convey the same to the United States free of charge, and to grant to the United States the right to use the said Osborne turnpike as herein provided, and any other highway or highways that it may be necessary to use in constructing said road from the terminus on the Osborne turnpike across to Fort Harrison national cemetery.

4. That to raise the money needed for the purpose of this act the said board of supervisors is authorized to issue a bond or bonds of the county of Henrico, and to make provision for the payment of the same, said bond or bonds shall be signed by the chairman of said board and attested by the clerk thereof, who shall affix thereto the seal of said board.

5. That should the said board of supervisors fail to acquire, by purchase or condemnation, the said right of way or land to widen any of said highways to not exceeding one hundred feet as herein provided, but consent to the use of the public highways by the United States as stated in this act, then the said United States is authorized to acquire, by purchase or condemnation, the right of way over any property that may be necessary to construct said roadway under this act, and to widen any of said highways to not exceeding one hundred feet, and in case the United States fails to agree with those entitled to said land as to terms of said purchase, then the said United States is authorized to proceed by application to the court of said county to have commissioners appointed to ascertain a just compensation for the same in like manner as is herein provided for on the part of said board of supervisors; all of which proceedings shall conform, as nearly as practicable, to chapter forty-six of the code of Virginia of eighteen hundred and eighty-seven.

6. This act shall be in force from its passage.

CHAP. 711.—An ACT to extend the time for the organization of the Bertha mining and improvement company for the further period of two years.

Approved March 4, 1892.

Whereas the Bertha mining and improvement company was chartered by the general assembly by an act approved February eighteenth, eighteen hundred and ninety, and duly paid the tax required by law, but has not yet organized under its charter—

1. Be it enacted by the general assembly of the state of Virginia, That the time of organization of the said company be, and is hereby, extended for two years from the passage of this act, and that said company for that space of time be exempted from the operations of section eleven hundred and forty-one of the code of eighteen hundred and eighty-seven.

2. This act shall be in force from its passage.

CHAP. 712.—An ACT to amend and re-enact sections 2 and 3 of an act entitled an act to amend and re-enact sections 2, 3, 4 and 6 of an act entitled an act to incorporate the town of Clifton Forge, in the county of Alleghany, approved May 20, 1887, and to amend and re-enact sections 3, 5, 6 and 11 of the original act, entitled an act to incorporate the town of Clifton Forge, in the county of Alleghany, approved December 1, 1884, and to add additional section.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That sections two and three of an act entitled an act to amend and re-enact sections two, three, four and six of an act entitled an act to incorporate the town of Clifton Forge, in the county of Alleghany, approved May twentieth, eighteen hundred and eighty-seven, and sections three, five, six and eleven of the original act, entitled an act to incorporate the town of Clifton Forge, in the county of Alleghany, approved December first, eighteen hundred and eighty-four, be amended and re-enacted so as to read as follows:

§ 2. That the boundaries of said town shall be as follows: Beginning at F. B. Westerman's slaughter-house; thence with the county road to a point opposite the east end of the Chesapeake and Ohio caboose track; thence by a direct line crossing Jackson's river to the county road and with the north side of the said county road to the southwestern corner of A. Jack Acord's lot; thence by direct line recrossing Jackson's river to the southwestern

corner of the old Haynes house; thence by a direct line to the south line of Ridgeway street opposite the east line of Trevillian street, being the boundary line of the property of the Chesapeake and Ohio development company; thence eastwardly with said boundary line to the corner near the junction of Dry creek with Smith's creek; thence northwardly along the said boundary line of the said development company to Main street; thence westwardly along Main street to the limit of the Clifton Forge company's land at Dry creek; thence with the said boundary line of the Clifton Forge company's property to the northwest corner of said company's land; thence by direct line to the northwest corner of the Clifton Forge company's land; thence with the northern boundary of said company's land to the corner near block forty-six, section two; thence by direct line to Hazel Run; thence down Hazel Run to the place of beginning.

§ 3. The municipal officers shall consist of a mayor, a treasurer, a commissioner of revenue, a sergeant, a clerk of the council and a council of six, who shall be residents of said town. They shall be elected every two years by the qualified voters who reside in the corporate limits of said town, except the treasurer and the commissioner of the revenue, who shall be appointed by the town council, to hold office until the first town election, from and after which time they shall be elected every two years. The town council shall be composed of the mayor and six councilmen thereof, and five of them shall constitute a quorum for the transaction of business. Said mayor, council, treasurer, commissioner of the revenue, together with the town sergeant, who shall be a qualified voter of said town, shall be chosen by ballot, on the fourth Thursday in May, eighteen hundred and ninety-three, and every second year thereafter, and shall enter upon their duties on the first day of July succeeding their election, and they shall hold their offices for two years and until their successors are elected and qualified. Any person qualified to vote in the county of Alleghany for members of the general assembly, who has been a resident for three months in the corporate limits of the town of Clifton Forge, shall be entitled to vote at all elections under this act. The council shall appoint three qualified voters of said town, one of whom shall act as clerk, to hold said election between sunrise and sunset. Said three judges of election shall judge any contest with reference to the right to vote of any individual, and shall count the ballots, and in case it is impossible to determine the candidates who have the highest number of votes by reason of a tie, the said clerk shall by lot determine the matter in the presence of his associates and of not more than two persons selected by each candidate affected by said lot.

Said three judges of election shall determine who have received the greatest number of votes in such election, and shall certify the same and abstract of the votes on the poll books and return the same, together with the ballots, to the clerk of the council, to be by him preserved; and the said clerk shall immediately thereafter make up and return to each of the persons elected a certificate of election.

§ 5. The said council shall have power to pass all by-laws and ordinances necessary for the proper government of said town, not in conflict with the constitution and laws of the state of Virginia and the constitution of the United States, and to punish the violation of the same by fine and imprisonment; to issue special bonds, if, in their judgment, they shall deem it right and proper to do so, in the denomination of five hundred dollars each, either registered or coupon, bearing six per centum interest, payable semi-annually, to an amount not exceeding fifteen thousand dollars, said bonds to run for a period of twenty years from their date, and be redeemable at any time after ten years at the option of the town of Clifton Forge, and to apply the proceeds of the sale thereof to improving streets and sewers where it is deemed advisable, and for such other purposes for the benefit of said town as in the judgment of said council may be proper: provided, however, that none of the aforementioned bonds shall be sold for less than their par value.

§ 6. The said council may annually levy a tax for corporation purposes, which on no property shall exceed one dollar on the one hundred dollars valuation. And the tax now paid the county of Alleghany by the Chesapeake and Ohio railroad on its track and buildings within the corporate limits of the town shall be paid to the corporation. The taxes on property hereby authorized, shall be only upon such subjects of taxation as are taxed by the state of Virginia (as are assessable and assessed for state taxation) within the county of Alleghany, and shall in all cases be based upon the assessment made by the officers of the state for state taxation.

§ 11. The sergeant of said town shall execute such bonds and give such security as the council shall prescribe, shall receive all moneys belonging to the town, turn the same over to the treasurer and take his receipt therefor. The said sergeant shall be vested with all the powers of a constable within the limits of said town, and shall be a conservator of the peace, with power to arrest in said town, or anywhere in the county of Alleghany, upon the warrant issued by the mayor, any person charged with the violation of the laws or ordinances of the said town; and he shall have power, upon a like warrant, to arrest anywhere in Alleghany county any person charged with the commis-

sion of any crime in said town, or within one mile of its corporate limits. When violation of the laws or ordinances of said town is committed in his presence, he shall have power and authority forthwith to arrest the offender and carry him before some conservator of the peace of said town to be dealt with according to law.

2. The town treasurer shall qualify before the town council, and shall give bond, to be approved by the council, in such sum as that body may prescribe. He shall receive all money belonging to said town, he shall keep his books and accounts in such manner as the council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and any member of the council, or any committee thereof. No money shall be paid out by the treasurer except on a warrant of the clerk of the council, countersigned by the mayor; and he shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto, and shall perform such other duties as may herein be prescribed or ordained by the town council. The treasurer may be required to keep all moneys in his hands belonging to the town in such place or places of deposit as the town council may by ordinance provide, order, establish or direct, and such moneys shall be kept separate and distinct from the treasurer's own moneys; and he is hereby expressly prohibited from using, directly or indirectly, the corporation money or warrants in his custody or keeping for his own use or benefit, or that of any person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office. In case of his removal, the town council shall elect a qualified person to fill said office for the unexpired term of the officer so removed.

3. The commissioner of revenue shall perform all of the duties in relation to the assessment of property for the purpose of levying the town taxes that may be ordered by the town council. He shall keep his office in some convenient place in said town, and shall keep therein such books, schedules and records, and in such manner as the mayor and town council may direct and prescribe; which books, records and other papers shall be subject to the inspection and examination of the mayor and members of the town council, or of any committee thereof, and of the collector of the town taxes. He shall receive for his services the fees allowed by law and such other compensation as the town council may, from time to time, direct. The commissioner of the revenue, in ascertaining the value of real property taxable in said town, shall fix the same at the actual cash value of said property at the time of assessment, irrespective of the value assessed for the purpose of state taxation, until the next general assessment, except

that assessments made by the board of public works shall control.

4. This act shall become a law after it is ratified by a three-fifths vote of the voters who reside in the boundaries designated in section two of this act—said three-fifths including a majority of the votes of freeholders cast at such election—the vote to be held thirty days after the act is certified to the mayor by the keeper of the rolls of the house of delegates.

5. It shall be the duty of the mayor of Clifton Forge to post by hand-bill, in five or more of the public places of the town of Clifton Forge within five days after receiving a copy of the act, notices of the time and manner of holding such election—the election to be held as elections are now held for town officers, and the ballot to be voted shall read: "For amended charter," or "Against amended charter."

6. Should three-fifths of the ballots so cast, including a majority of freeholders as aforesaid, be "For amended charter," then this amended charter shall have been carried and become operative at once. Should less than such number of ballots so cast be "Against amended charter," the same shall have been lost, and the charter shall fall and be inoperative.

7. This act shall be in force from its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.

CHAP. 713.—An ACT to amend and re-enact sections 7 and 12 of an act entitled an act to establish a corporation court for the city of Radford, in Montgomery county, approved February 2, 1892.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That sections seven and twelve of an act approved February second, eighteen hundred and ninety-two, entitled an act to establish a corporation court for the city of Radford, in Montgomery county, be amended and re-enacted so as to read as follows:

§ 7. The circuit court of Montgomery county shall continue to have concurrent jurisdiction to hear and determine all cases at law and in chancery, except in such cases as by the provisions of this act exclusive jurisdiction is given to the said corporation court. All cases and proceedings at law or in chancery now pending in said circuit court shall be proceeded with in said circuit court until the same are finally concluded or ended, unless the same shall be removed to said corporation court by consent of parties in interest, and it shall be lawful for the

sheriff of Montgomery county or the sergeant of the city of Radford, to execute all processes, notices or orders of the circuit court of Montgomery county in the said city of Radford.

§ 12. The said court shall have exclusive original jurisdiction over all matters of probate and record arising within the limits of said corporation; and all deeds, wills, contracts or other papers admitted to record in the clerk's office of the county court of Montgomery county since the city of Radford was chartered, and before the clerk's office of the hustings court of the city of Radford was opened for the recordation of such papers, shall be deemed and held to be as legal and valid as if they had been duly admitted to record in the clerk's office of the hustings court of the city of Radford, instead of being recorded in the clerk's office of the county court of Montgomery county at the trial aforesaid.

2. This act shall be in force from its passage.

CHAP. 714.—An ACT to amend and re-enact section 8 of an act approved May 18, 1887, entitled "an act to revive and re-enact the charter of the Farmville and Charlottesville railroad company, and to amend the same.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That section eight of the act entitled an act to revive, amend and re-enact the charter of the Farmville and Charlottesville railroad company, approved May eighteenth, eighteen hundred and eighty-seven, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 8. The said company shall organize within one year, and construct its railroad from some central point in the county of Buckingham to one of the railroads named, or to the Richmond and Alleghany or Buckingham railroads within two years from the first day of July, eighteen hundred and ninety-two. In the latter event its right to construct the whole line hereby authorized shall in no respect be forfeited within five years from the said first day of July, eighteen hundred and ninety-two; and all of the rights, franchises and privileges heretofore granted in any provision of this charter to the Farmville and Charlottesville railroad company, which has changed its name to the "Orange-Keysville railroad company," in accordance with the statute authorizing said change, shall inure and belong to any corporation that may be formed or created according to law by a sale and conveyance of the works and property of the said company: provided, however, that

neither the said company, nor its successors, shall claim or assert any right under subscription by elections heretofore held to the bonds of the county of Buckingham: and provided further, that neither the said company nor its successors shall claim or assert any right under subscriptions by elections heretofore held to the bonds of the county of Prince Edward after the thirty-first day of March, eighteen hundred and ninety-two, unless the portions of the road shall have been completed in said county of Prince Edward by March thirty-first, eighteen hundred and ninety-two, as specified and provided for in the present existing contract between the said railroad company and the board of supervisors of the said county of Prince Edward, but the said counties of Prince Edward and Buckingham after March thirty-first, eighteen hundred and ninety-two, and any other counties, cities or towns, at any time, which is allowed in the said charter and amendments thereto to subscribe to the stock of said company, are hereby authorized to make subscriptions to the stock of the said company or its successors, after elections which upon application of the said company or its successors hereafter, the judge of any of said counties or the proper authorities of said towns or cities, may order.

2. It is further provided that nothing in this act shall be construed to impose upon the county of Buckingham any liability by reason of the contract entered into between the said county and the said Farmville and Charlottesville railroad company, which has changed its name to the Orange-Keysville railroad company, on the twenty-first day of November, eighteen hundred and eighty-seven, or of any action of the county court or the board of supervisors of said county, or of the election held in said county on the subject of a county subscription to the stock of the said railroad company.

3. It is further provided that no election ordered under this act by the county of Buckingham shall be lawful and binding unless a majority of the registered freeholders of said county vote in the affirmative.

4. This act shall be in force from its passage.

CHAP. 715.—An ACT to incorporate the Virginia Central railroad and navigation company.

Approved March 4, 1882.

1. Be it enacted by the general assembly of Virginia, That Thomas F. Barrett, Julian H. Miller, John S. Johnson, William W. Flemming, and Martin H. Bunn, their

associates, successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Virginia Central railroad and navigation company, for the purpose of constructing, equipping and operating railroads and transporting freight and passengers on the Chesapeake bay and its tributaries, and as such are authorized and empowered to locate, to construct, equip and operate a railroad commencing at the town of Hampton, or near there at deep water, and running thence to West Point, and from thence to Orange court-house and Harrisonburg, through the counties of Elizabeth City, York, James City, New Kent, King William, Hanover, Caroline, Louisa, Spotsylvania, Orange, Culpeper, Madison, Greene, and Rockingham, or any of them, as the said company may determine after they have surveyed the route in accordance with the best interests of the company, and as such are authorized to locate, operate and equip a line of water transportation by means of steamboats, sail vessels, ferry boats and such other floats as the said company may deem advisable.

2. The said company shall have perpetual succession, have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts, whether at law or in equity, and they may make and have a common seal, alter and renew the same at pleasure, and to have possession and enjoy all the rights and privileges of a corporation or a body politic in the law, and necessary for the purpose of this act.

3. The capital stock of this company shall not be less than five thousand dollars, and may, from time to time, be increased to any amount not exceeding five million dollars, by issuing certificates of shares under such regulations as the board of directors shall decide, the par value of which shall not be less than one hundred dollars each; and subscriptions to the capital stock of said company may be made in money, labor, material, bonds, stocks, real estate or personal property, at such valuation as may be agreed upon between the directors and the subscribers, and such subscriptions may be made payable in such manner and amounts and at such times as may be agreed upon with the subscribers; and whenever fifty shares shall have been subscribed to, the subscribers, under the direction of any five of the incorporators hereinbefore named, who, themselves, shall be subscribers, may organize the said company by electing a president and board of directors, and by electing or providing for the appointment of such other officers as may be necessary for the control and management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this state.

4. It shall be lawful for said company to borrow money and issue and sell bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its work; and may secure the payment of said bonds by mortgages or deeds of trust upon all or any of its property, real, personal and mixed, its contracts and privileges, and its chartered rights and franchises, including its franchises to be a corporation; and it may, as the business of the company shall require, sell, lease, convey and encumber the same.

5. The said company shall have power to lease or purchase boats, barges and vessels, either steam or sail, and any mining, manufacturing or other corporation may subscribe to, guarantee or hold the stock or bonds of said company.

6. The said company is authorized and empowered to locate, construct, equip and operate any lateral or branch roads or tramways, not exceeding twenty miles in length, which a majority of its stockholders may determine to construct, maintain, equip and operate, and by such route as may be determined by its board of directors; and the said company may connect or unite the said route with that of any other company or companies other than a competing line, or consolidate and merge its stock, property and franchises with those of any other company, or companies operating, or authorized to operate, a connecting line, other than a competing line, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and for that purpose power is hereby given to it and to such other company or companies, to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation: provided that a copy of every contract of consolidation and merger be filed in the office of the board of public works. The company may acquire by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroad and the necessary stations, landings and depots for its operations.

7. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name, and the president and board of directors of said company may enact such by-laws, rules and regulations for the management of the affairs of said company as they may deem proper and expedient.

8. The board of directors shall be stockholders of said company and shall consist of such number as the stockholders may determine upon, and shall be elected at the stockholders' meeting to be held on such day as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of

their election and until their successors are elected and accept the duties of the office, and they shall appoint one of their number president. And in case of the death, resignation or incapacity of any member of the board of directors during his term of office, the said board shall elect his successor for the unexpired term.

9. All taxes and dues to the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons. And this charter may be altered or amended upon the application of the board of directors of said company.

10. Work of construction under this charter shall be commenced within two years and completed within five years from the passage of this act, in default of which all rights hereunder shall cease and terminate.

11. This act shall be in force from its passage.

CHAP. 716.—An ACT to authorize the board of supervisors of King William county to erect buildings for King William agricultural society.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of King William county are hereby authorized and empowered to expend out of the county funds, not to exceed the sum of five hundred dollars, for the building of suitable sheds and enclosures on the public square at King William court-house, to be used exclusively by the King William agricultural society.

2. This act shall be in force from its passage.

CHAP. 717.—An ACT for the relief of John Thompson from the payment of a fine imposed by the county court of Richmond county.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That John Thompson, of the county of Richmond, is hereby released and discharged from the payment of a fine of twenty dollars and costs, imposed by the county court of said county for a misdemeanor.

2. This act shall be in force from its passage.

CHAP. 718.—An ACT to allow more time to the deputy treasurer of Greene county to collect back taxes.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That Joseph Smith, deputy treasurer of Greene county, be empowered to collect the taxes that remain in his hands uncollected for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine and eighteen hundred and ninety, the said treasurer having accounted to the state for the same, which have not been returned delinquent, and that the time for his collection of said taxes be extended for one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 719.—An ACT to allow the voters of Locust Dale township, in Madison county, to vote on fence law.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county court of Madison county, or the judge thereof in vacation, upon the petition of at least twelve resident freeholders, to submit to the qualified voters of Locust Dale district, in said county, as the said court or judge may designate, the question as to whether there shall or shall not be a fence law in said district; said election to be held and conducted at such times and places and in such manner as said court or judge may by order prescribe.

2. If it shall appear from the returns thereof that a majority of the voters in such election are in favor thereof, then it shall be lawful thereafter for the owner or manager of any horse, mule, swine, sheep, goat or neat cattle of any description to permit the said animals to run at large beyond the limits of their own lands; and if any of the animals, enumerated in this section, shall thereafter be found going at large upon the lands of any person other than the owner, the owner or manager of said animals shall be liable for all damage or injury done by the said animals to the owner of the crops or lands upon which they may trespass, whether the said animals wander from the premises of their owner in the district or county in which the trespass was committed or from another district or county: provided that this act shall not take effect until thirty days after the election herein provided

for, and the rights and remedies in regard to trespass of animals shall be secured to the citizens of said district as now provided for by law in such cases.

3. This act shall be in force from its passage.

CHAP. 720.—An ACT to incorporate the Virginia, Shenandoah and Western railroad company.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That C. P. Noland and J. P. Brown, of Page county, Virginia; J. S. Harnsberger, S. H. Moffatt, J. P. Houck and Wingfield Liggett, of Rockingham county, Virginia, or such of them as may accept the provisions of this act, and such persons and corporations as may become associated with them, in the manner hereinafter provided, shall be, and they are hereby, constituted a body politic and corporate, by the name of the Virginia, Shenandoah and Western railroad company, and by that name shall have all the powers, rights and franchises necessary and proper to locate, construct and maintain a railroad of the gauge in general use on the Virginia railroad lines, or may be in the manner of a narrow-gauge railroad, to be known as the Virginia, Shenandoah and Western railroad, to begin at a point on the Potomac river, either in the county of Fairfax or the county of Prince William, or in the county of Stafford, in the state of Virginia, and to run thence, by the most practical route, to some point on the Virginia and West Virginia state line, either in the county of Rockingham, or in the county of Augusta, or in the county of Highland, in the state of Virginia, also a branch from a suitable point on the main line of said road to the city of Alexandria.

2. That the capital stock of said company shall not exceed the sum of twenty-five million dollars, to be divided into shares of one hundred dollars each; and when one thousand shares shall have been subscribed by persons or incorporators, under the direction of any three of the incorporators hereinbefore named, the subscribers shall assemble at Shenandoah, Virginia, upon the call of the first three named incorporators, or a majority of them, to organize the company under this act, to elect a president and board of directors, whose term of office shall be five years. Subsequent elections of president shall be made by the board of directors, and of the board of directors by the stockholders. Any vacancy during the term of office of the president or directors shall be filled by the board of directors.

3. The board of directors shall fix the salary of the president and all officers of the company, and a maximum amount of stock to be subscribed for by any individual or company.

4. The capital stock of said company may be increased from time to time by the board of directors to such amount as they may deem necessary for the interest of the company, not exceeding the maximum capital stock prescribed in this act; and the board of directors of said company, to fully construct and equip said railway, shall have the power to issue bonds to an amount not exceeding its capital stock, in such sums, of not less than one hundred dollars each, and bearing interest not exceeding the rate now allowed by law, payable, principal and interest, at such times and places, and in such manner, as may be deemed most advantageous to said company, and may secure the same by one or more mortgages on the road, franchises, income and the real and personal property of the company, or such parts thereof as may be designated in the mortgage or mortgages.

5. That it shall be lawful for the said company to acquire by purchase or in subscription to the capital stock of said company, or by donation, lands, mines, property, materials or labor, and to receive subscriptions from other companies, associations and corporations, and to make such arrangements as shall be mutually agreed upon by the respective boards of directors of such companies, associations and corporations, for the endorsement, sale and exchange of stock and bonds, as to increase the facilities for a speedy completion of said road; and the said company may sell, lease or otherwise dispose of any lands or other property acquired under this section at their pleasure.

6. The said company shall have power to build additional branches and lateral roads not exceeding twenty miles each from their main line.

7. If it shall be found in the location or construction of said road, or any of its branches, or either of them, that a railroad under construction, or for the making of which a company has been chartered and organized, will interfere or be interfered with, it shall be lawful for said company, by contract or purchase, or consolidation, to acquire the ownership of such roads, or any parts of any of them, or to make such agreements as may be found desirable in order to secure the use of such roads, or any parts of them, or the benefit of such charters, or any parts thereof in furtherance of the purposes of this act.

8. This company shall be subject to the general laws now in force in relation to railroad companies, except as otherwise provided in this charter.

9. That any county, city, town or township along the line of said road, or of any connecting roads or lateral

branches, is hereby authorized to subscribe to the capital stock of said company in the manner and form as is now prescribed by law.

10. The work on the road herein authorized to be constructed, shall be commenced within two years and completed within five years from the passage of this act, and all taxes due from the company shall be paid in money, and not in coupons.

11. This act shall be in force from its passage.

CHAP. 721.—An ACT to authorize the governor to furnish convict labor for the building of the Blue Ridge railway from Jacksonville, Floyd county, through the county of Montgomery to the Norfolk and Western railroad.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That the governor be authorized and requested hereby to furnish and hire to the Blue Ridge railroad company one hundred, or as many penitentiary convicts as can be furnished without interfering with existing legal contracts, to be used for constructing the railroad of said company from Jacksonville to the Norfolk and Western railroad. The said company shall have said convicts at the same rate of compensation now provided by the general law relative to hire of convicts in such cases.

2. The accounts for the hire of said convicts shall be stated quarterly after the first delivery of convicts to said company under this act, and quarterly thereafter shall be payable in lawful money of the United States, and not in any coupons of this state.

3. This act shall be in force from its passage.

CHAP. 722.—An ACT to incorporate Lynchburg lodge, No. 1, Independent Order of Odd Fellows.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That Royall Alexander, T. H. Jackson, Royal P. Butler, G. W. Duffy, Philip Franklin, D. A. Butler, Robert Christian, John Merchant, Stephen Servis, Holcomb Scott, Benjamin Booker, Preston Murphy, John Curle, Charles H. Shearer, William Logwood, Roderick Davis, Robert Johnson, John Evans, John Jennings, Wesley Cunningham, Edmund Eldridge, Charles Dickerson, James H.

Thomas, the present officers and members of Lynchburg lodge, number one, Independent Order of Odd Fellows, of Lynchburg, Virginia, and their successors, be, and they are hereby, declared to be a corporation and body politic by the name, style and title of Lynchburg lodge, number one, Independent Order of Odd Fellows, and shall be capable in law to have, receive and hold, by purchase, gift, devise or bequest real or personal estate, and lease, rent, sell or otherwise dispose of the same in such manner as may be advantageous: provided, always, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of twenty-five thousand dollars.

2. The object of this association, incorporated by this act, shall be the mutual benefit, protection and assistance of its members, the care of their widows and orphans and provision for the burial of its members when dead.

3. The said corporation and their successors, by the name and style aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, defend and be defended in any of the courts of the state, and it shall be lawful for the said corporation to have a common seal for its use, and the same to make, renew, alter or change at will; in general, said corporation shall exercise such rights, privileges and immunities as by law are incident or necessary to incorporations, and especially what is necessary to the corporation herein constituted, including the power to make and adopt a constitution and by-laws, rules and regulations for the government and election of its officers, and to define their duties, and for the safe-keeping and protection of its property: provided the same be not inconsistent with the laws of the United States and of this state.

4. This act shall be in force from its passage.

CHAP. 723.—An ACT for the relief of the sureties of William H. Gills, late treasurer of Appomattox county.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to receive from the sureties of William H. Gills, late treasurer of Appomattox county, the bonds of the commonwealth of Virginia, issued in pursuance of the act of February fourteenth, eighteen hundred and eighty-two, known as the Riddleberger bill, in payment of the judgment for twenty-three hundred and eighty dollars and sixty-three cents rendered by the circuit court of the city

of Richmond in favor of the commonwealth against said Gills and his sureties.

2. This act shall be in force from its passage.

CHAP. 734.—An ACT to incorporate the Rosemary library.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That Joseph R. Anderson, Lewis Ginter, E. T. D. Myers, W. E. Cutshaw, Joseph Bryan, Rosewell Page, Henry S. Hutzler, Thomas N. Page and Wyndham R. Meredith and their successors, are hereby created and declared to be a body politic and corporate by the name of "Trustees of the Rosemary public library," by which name they and their successors shall enjoy all the rights and privileges and be subject to all the regulations and restrictions incident to similar corporations under the laws of this commonwealth.

2. The corporation is empowered—

First. To erect, establish and maintain a public or circulating library, or both, and reading-rooms, and branches of the same in the city of Richmond, Virginia, for the use and enjoyment of white persons only.

Second. To manage, dispose of and receive from the persons hitherto conducting and carrying on a public library in the city of Richmond under the title of the Rosemary public library, all the property and funds now in their hands and hitherto agreed by them to be so transferred.

Third. To receive, hold and own money or property of any kind which may be given it by deed, will or in any other way, including the stock and other evidences of indebtedness of other corporations, and to use or dispose of the same for the purposes for which it is incorporated.

Fourth. To make, alter and amend a constitution and by-laws, rules and regulations for the governing of the corporation and determining what persons shall have the right to enjoy and use its property, the conditions of such use, and all other matters relating to its management, the conduct of its affairs and the safe-keeping and protection of its property and funds.

Fifth. To hold any and all real estate and the improvements thereon that it may purchase or otherwise acquire, except that the amount of real estate to be held within the corporate limits of the city of Richmond shall not exceed at any one time five acres of land. The corporation shall have power to erect buildings or other improvements either on the real estate in Richmond or elsewhere.

Sixth. To borrow money to aid it in preparing for and carrying on its work, and to do so may issue its bonds or

notes, and secure them by deed of trust or mortgage on any or all of its property. It may also secure any loan that may be made to it by any other lawful method that may be agreed on between the lender and the trustees.

Seventh. To sell and convey any property held by it, either for the purpose of reinvestment and using the income, or of using the proceeds in carrying out the objects of the corporation.

Eighth. To elect a president, librarian, superintendent and such other officers and assistants as may be deemed needful, and to form committees for special purposes, and to put on said committees persons other than the trustees, and such officers or committeemen shall be elected in such manner and at such times, and shall hold office and serve on said committees for such terms, and perform such duties as the constitution and by-laws shall prescribe.

3. Any five of the said trustees shall constitute a quorum for the transaction of any and all business. They shall select one of their number as the president of the corporation. The acts of a majority of the quorum, or if more than a quorum be present, then the acts of the majority so present at any meeting, duly notified according to the by-laws, shall be valid. Any vacancies in the number of said trustees occurring by death, resignation, incapacity or removal from the city of Richmond, shall be filled by persons to be appointed by the remaining trustees, or a majority of them. The trustees shall not receive any compensation for their services, except that if any one of their number shall at any time be librarian or superintendent he may receive compensation as such.

4. Said corporation being wholly charitable and benevolent, shall be exempt from the payment of all state, county or municipal levies or taxes on its property of every kind as long as the same is held and used for the purposes of its incorporation.

5. This act shall be in force from its passage.

CHAP. 725.—An ACT to incorporate the Tide-water building and construction company.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That W. A. Little, junior, A. B. Botts, H. von Schon, L. W. White, J. B. Ficklin, M. B. Rowe and E. D. Cole, of Virginia, or such of them as may accept the provisions of this act, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under

the name and style of the "Tide-water building and construction company," and by that name shall be known in law, and shall have perpetual succession, and have the power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity; and may make and have a common seal, and alter and renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purposes of this act; and make by-laws, rules and regulations consistent with the existing laws of the state for the government of all under its authority, the management of its estates and properties and the due and orderly conduct of its affairs.

2. The capital stock of said company shall not be less than five thousand dollars, and may be increased to any amount not exceeding five hundred thousand dollars, by issue and sale of shares thereof, not less than fifty dollars each, from time to time under such regulations as the board of directors of said company shall from time to time prescribe; and the directors may receive real or personal property in payment for subscriptions to the capital stock at such valuation as may be agreed upon between the directors and the subscribers.

3. The said company is authorized and empowered to purchase, hold, own, lease, and control in any manner, grant, bargain, sell, mortgage, convey, and otherwise dispose of real and personal estate in this state or elsewhere; and the said company is authorized and empowered to lay out said lands, or any part thereof, into parcels or lots of convenient size, with intervening roads, lanes, streets and alleys, and develop, work, improve and cultivate, or otherwise dispose of the same in such manner and upon such terms as the said company may think proper; and may contract for, purchase, lease, hold, construct, operate and maintain any work of public or private improvement in this state or elsewhere: provided, however, that nothing in this section shall be construed as exempting the said company from the provisions of chapter fifty-one of the code of eighteen hundred eighty-seven, if it shall be engaged in constructing or operating any work of internal improvement in this state.

4. The persons named in section one of this act shall constitute the first board of directors of the said company, and shall continue in office until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting, so many directors shall be elected as may be prescribed by the by-laws and regulations of said company, who may be removed by the stockholders in general meeting, but unless so removed shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall, at all meet-

ings or elections thereafter, be entitled to one vote for each share of stock registered in his name.

5. The board of directors shall be stockholders of said company; they shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the minimum amount of capital stock herein named shall have been subscribed and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of business. The board shall appoint, to hold during its pleasure, the subordinate officers and agents of the said company, prescribe their compensation and take from them such bonds with such security as they may deem fit.

6. The board of directors may establish offices and agencies at such places as they may deem proper; but the principal office of the company shall be located at some point within the limits of the state of Virginia.

7. The annual meeting of the stockholders of the said company shall be held at ———, on ——— after the ——— in ——— of each year, or on such other day and at such other place as the stockholders may, by resolution adopted at any annual meeting, prescribe; said resolution to take effect at the next annual meeting thereafter, however. A general meeting of the stockholders of said company may be held at any time, as provided for by section eleven hundred and twenty-two of the code of Virginia.

8. The said company shall issue certificates of stock in said company to the subscribers thereof, in shares of not less than fifty dollars each, signed by the president and countersigned by the secretary of the company. The said certificates shall be transferable only upon the books of the company by the said subscribers, their personal representative, or duly authorized agent or attorney.

9. It shall be lawful for the said company to sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its works, and to secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property or franchises, including the franchises to be a corporation; and it shall be lawful for said company to guarantee the payment of the interest or principal and interest of any bonds or any other evidences of indebtedness that may be issued by any railroad company or any incorporated company, or subscribe to, acquire, and to hold shares in the capital stock of any such company whenever the board of directors of the Tidewater building and construction company shall deem it to its interest to do so.

10. No stockholder in said company shall ever be held liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said company for stock subscribed for by said stockholder.

11. Whenever this corporation shall exercise any of the privileges conferred by this act it shall be liable to pay the same taxes and licenses as may be imposed by law upon other like corporations or persons exercising like privileges.

12. The charter herein granted, except as to matters herein otherwise specially provided for, is hereby declared to be subject to the provisions of the general law in regard to chartered companies and corporations as expressed in the code of Virginia, chapters forty-six and forty-seven.

13. This charter is granted upon the condition that all taxes and other liabilities due by it to the state of Virginia shall be paid in currency, and not in coupons.

14. This act shall be in force from its passage.

CHAP. 723.—An ACT to incorporate the Hampton training school for nurses.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That A. M. Bacon, Doctor S. K. Towles, Reverend J. J. Gravatt, Thomas Tabb, S. C. Armstrong P. T. Woodfin, Doctor J. T. Boutelle and Jacob Heffelfinger, their successors and associates, as hereinafter provided, be, and they are hereby, made a body politic and corporate, under the name of the Hampton training school for nurses, with power and authority to establish, maintain and conduct, in the county of Elizabeth City, a training school for nurses (the object and purpose being to provide competent, skilled and efficient nurses for the sick-room), and in connection therewith to establish, maintain and conduct a hospital for the sick and afflicted.

2. The said corporators, and the survivors of them, and their successors, shall have power from time to time, and at all times, by resolution of a majority at a corporate meeting, to appoint successors to any of their number who may die, resign, or be removed, and to increase their number: provided, however, that their number shall not at any one time exceed ten; and also to appoint such officers, agents, assistants, and attendants as may be proper to carry out the purposes of said corporation.

3. The said corporation shall have power to take, by devise, bequest, purchase, or otherwise, and may hold, trans-

fer, assign and convey, for the purposes of said corporation, all the real and personal property of which it may become possessed: provided that the real estate held by it at any one time shall not exceed five acres.

4. The said corporators shall have power to make such by-laws, rules and regulations for its government, as from time to time may be deemed proper; provided said by-laws, rules and regulations be not contrary to the laws of the United States or this state.

5. The property of said corporation, so long as used by it for the purposes hereinbefore set forth, shall be exempt from taxation.

6. This act shall be in force from its passage.

CHAP. 727.—An ACT to amend and re-enact sections 2 and 4 of an act of the general assembly entitled "an act to amend and re-enact sections 2, 4 and 5 and to repeal section 3 of an act approved March 1st, 1884, entitled an act to provide for the improvement and working of the roads in the county of Henrico and for the construction and repair of bridges, etc.," approved February 24, 1890, and to revive section 3 of the said act of March 1st, 1884.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That sections two and four of an act of the general assembly entitled "an act to amend and re-enact sections two, four and five, and to repeal section three of an act approved March first, eighteen hundred and eighty-four, entitled an act to provide for the improvement and working of the roads in the county of Henrico, and for the construction and repair of bridges, and so forth," approved February twenty-fourth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 2. The said board is authorized and empowered to let the improvements and repairs to said roads and bridges to contract, to purchase or employ teams and implements, and employ foremen, engineers and hire a force, to be operated under its direction, control and supervision, for the working, repairing and construction of said roads: provided, however, that the propriety of purchasing teams and implements, and the amount to be expended therefor, shall be subject to the ratification and approval of the county court of Henrico. And the said board shall annually submit to said court a schedule of the prices to be paid for the hire of teams and for the employment of said foremen, engineers and hands, and such expenditure shall likewise be subject to the ratification and approval of the said court. And for such of said roads as it may deem impracticable to let to contract, or improve and repair

with the force operated under its direction, it may lay off said county into road precincts, and appoint, subject to the approval and confirmation of the county court, a surveyor for such of the roads therein as it may designate, who shall keep the same in repair as hereinafter directed. Any road surveyor so appointed may be removed by the county court for cause shown.

§ 8. Each road surveyor appointed under this act shall superintend such of the roads of his precinct as may have been put under his charge, and see that they are kept in the condition required by the first section; and across any stream where it is necessary and practicable, a sufficient bridge, bench or log for the accommodation of foot passengers; and when any more important bridge or causeway, if necessary, and it is practicable for him to have it made, he shall cause the same to be made twelve feet broad at the least, and safe and convenient. Every bridge or causeway in his precinct, under his charge, shall be kept in good order. For the purpose of keeping in order the roads of his precinct under his charge, he shall summon at such time as he may select, but not oftener than twice a year, all male persons in his district, subject to road duty, under the general road law, to attend, with proper tools, and work the roads of said precinct, but no person shall be required to work upon said roads more than two days in any one year; and if such person fail to attend in person or by sufficient substitute, for each day of such failure there shall be paid to said surveyor, by the person in default, if of full age, or if he be an infant, by his parent or guardian, the sum of seventy-five cents. If the money be not paid twenty days prior to the time hereinafter specified for the return of the bill for said fine, he shall make out a ticket against such delinquent party for the amount of said fine, with an addition of thirty-three and one-third per centum, and shall annually, on such day as the board may designate, return the bills against such delinquent parties to the said board of supervisors. And it shall be the duty of the said board, without delay, to place the said bills in the hands of a constable, or the treasurer of the county for collection. The officer having charge of the collection of such fines may distrain therefor in the same manner as for taxes and levies. He shall, within sixty days, account to the said board for all fines collected, and shall receive for his compensation fifteen per centum of the amount collected, and the said surveyor shall receive for his services five per centum of the amount so collected. No person residing within the bounds of any road precinct established by the board shall be exempt from road duty therein by reason of the public road nearest him being worked by contract or by the force operating under the direction of the board. If the surveyor of any

precinct is unable, with the means and labor at his disposal, to keep in good order the roads of which he is surveyor, the said board may authorize him to spend such sum as it may deem reasonable for the purpose of putting the same in good repair. The said board shall require, upon such day as it may designate, said surveyors to make such report to it as is required by the twenty-third and twenty-seventh sections of the general road law. Each surveyor shall receive for his compensation the sum of one dollar and fifty cents for each day sworn to by him as actually employed, not to exceed ten days in any one year.

2. That section three of the said act of the general assembly, approved March first, eighteen hundred and eighty-four, be, and the same is hereby, revived in full force and effect.

3. This act shall be in force from and after the first day it is ratified by the board of supervisors of Henrico county, or on their failure to do so, on the first day of May, eighteen hundred and ninety-two.

CHAP. 728.—An ACT to amend and re-enact section 1 of an act approved January 31st, 1890, entitled an act to incorporate the Southern negro orphan asylum.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That section one of an act approved January thirty-first, eighteen hundred and ninety, entitled "an act to incorporate the Southern negro orphan asylum," be amended and re-enacted so as to read as follows:

§ 1. That the Colored orphan asylum and industrial school be, and it is hereby, constituted a body politic and corporate by that name, to be under the control and management of a board of trustees consisting of E. J. Folkes, Fitzhugh Lee, F. T. Lee, Thomas J. Kirkpatrick, A. H. Burroughs, G. R. Lewis, Alexander McDonald, Frank Camm, John Camm, J. P. Gilmer, John W. Craddock, A. Jaegurand, C. B. Wilmer and their successors in office, and it shall have power to hold the property, real and personal, already held in trust for it, and such other property as it may hereafter acquire by gift, bequest, devise or purchase, such real estate not to exceed one thousand acres in the state of Virginia. It shall have power to sell said property and to encumber the same by mortgage or deed of trust: provided, however, that the amount of such encumbrance shall not exceed five thousand dollars.

2. This act shall be in force from its passage.

CHAP. 729.—An ACT for the relief of William T. Parrott, late deputy treasurer of Albemarle county, and of his sureties.

Approved March 4, 1892.

Whereas William T. Parrott was deputy treasurer for A. J. Farish, treasurer of Albemarle county, for years eighteen hundred and eighty-two, eighteen hundred and eighty-three and eighteen hundred and eighty-four, C. H. Parrott and Bernard T. Parrott being his sureties on his bond as such deputy treasurer; and whereas at settlement of the treasurer with the board of supervisors of Albemarle county for the three years above named, the board refused to allow tax tickets, to a very considerable amount, to be returned delinquent; and whereas said Parrott has been compelled to account for between six and seven hundred dollars, which are represented by tax tickets which he has never been able to collect, and which, by the action of said board in not allowing their return as delinquent, represent a loss to him and his sureties of that amount through no fault of theirs; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Albemarle county is authorized and empowered to make a settlement with said William T. Parrott, and in making such settlement shall inquire and ascertain what county tax tickets for the years eighteen hundred and eighty-two, eighteen hundred and eighty-three and eighteen hundred and eighty-four said Parrott could not have collected by due diligence, and which may, therefore, be considered as a loss sustained by him by reason of the action of said board in refusing to allow their return as delinquent; and said board of supervisors are hereby empowered to refund said Parrott such portion of said tax tickets as were levied for county taxes, and which they may determine said Parrott could not have collected.

2. This act shall be in force from its passage.

CHAP. 730.—An ACT requiring persons desiring license to sell spirituous or malt liquors in the counties of Wythe, Giles, Bland and Pulaski, to post notice of intention to make application for licenses, in front of court-house and other places.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That all persons desiring to obtain license to sell spirituous or malt liquors in the counties of Wythe, Bland, Pu-

laski and Giles, shall be required to post written or printed notices at not less than three public places in the vicinity of where they propose to sell such liquors, for fifteen days previously, stating where they propose to sell such liquors, and when and where they intend making application for license to sell the same, and such persons proposing in the said counties or county shall also be required to post such notice for the same time on the front of the court-house of said county or counties where such liquors are proposed to be sold, and no license shall be granted until it has been shown by satisfactory proof that such notices have been posted.

2. This act shall be in force from its passage.

CHAP. 781.—An ACT to incorporate Assembly park association.

Approved March 4, 1882.

1. Be it enacted by the general assembly of Virginia, That A. P. Funkhouser, John Paul, H. N. Whitesel, Monroe Funkhouser, A. E. Andes, G. W. Hedrick, J. L. Long, and J. D. Whitesel, and their associates and successors, be, and they are hereby, constituted a body corporate and politic by the name and style of Assembly park association, and by that name and title shall be known and have perpetual succession, shall have power to sue and be sued, to plead and be impleaded, to contract and be contracted with, to purchase, lease or otherwise acquire, use, hold, grant and convey property, both real and personal, and to improve the same as the board of directors of said company shall deem proper; to lease, let or dispose of, in fee or otherwise, any part of their property, real, personal or mixed, with or without improvements; to have, use and alter a common seal; to make such by-laws and regulations as shall best enable the association to conduct its business and carry out its purposes; provided no regulation shall be in conflict with the laws of Virginia or of the United States.

2. The capital stock of said company shall not be less than one thousand dollars nor more than twenty-five thousand dollars, to be issued in shares of not less than ten dollars each nor more than one hundred dollars each par value.

3. The board of directors of said association shall not be less than three in number, and they may elect a president, secretary, treasurer and such other officers as they may deem proper, one or more of which offices may be filled by the same person. The persons named in this charter

shall be directors of said association until their successors are elected by the stockholders.

4. The said company is hereby authorized to fence or enclose its lands, or any part thereof, and post the same according to law, and all persons are hereby prohibited and forbidden to enter upon any of the lands so enclosed or posted without the consent of the president or manager of said association. Any person entering such enclosed or posted lands without the consent of the president or manager, or who shall in any way violate any rule or regulation prescribed by the board of directors of said company, shall be deemed guilty of unlawful and malicious trespass, and may be summarily ejected from said grounds by the officers or servants of the company, and shall be liable to be prosecuted as is provided by law for such trespasses.

5. The judge of the county court of Rockingham county shall, upon application, appoint such persons as the president or manager of said company may name; and such persons so appointed shall be authorized to attend any fair or meeting held upon said company's grounds and to act as conservators of the peace. They shall have the right and authority to arrest and eject from the grounds of the company any person or persons who shall create any disturbance or who shall commit any breach of the peace, or violate in any way any of the rules or regulations of the company. Such persons so appointed, while acting as conservators of the peace, shall be compensated by the company.

6. The said company is authorized to construct, own, operate, or lease hotels, training schools, booths, stands, stables or other buildings for the entertainment, lodging, boarding or keeping of man and beast upon its lands or those leased by it; to hold and conduct fairs, exhibitions, Chautauqua and other assemblies and meetings, schools of languages, art, music and other schools; to transact the usual operations and business of a building association; to cut, saw, sell and manufacture lumber; to manufacture and sell brick and tiles and other merchandise; to quarry, hew and sell stone; to acquire, erect and maintain buildings, machinery and structures needful for the prosecution of its business; to lay off its real estate into squares, town lots and otherwise, as may be deemed best; to make and grade streets and avenues in and about and through said real estate; to construct electric and waterworks, or either, and operate the same, and do anything in relation to the subjects mentioned that a private individual might do.

7. At any fair or exhibition the association may offer such prizes or premiums to be competed or contended for as the board of directors may determine; and the associa-

tion may charge such fees for admission to its grounds at any time as the board of directors may from time to time prescribe.

8. The said company may sell membership certificates entitling the holder thereof to admission to its grounds for a term, or for the life of the holder whose name it shall bear.

9. The chief office of the company shall be at Harrisonburg, Virginia, and the company shall pay taxes due the commonwealth in lawful money of the United States, and not in coupons.

10. This act shall be in force from its passage.

CHAP. 732.—An ACT to authorize and direct the auditor of public accounts to pay N. J. Horn the sum of twenty dollars for expenses paid for conveying a prisoner from the state of Ohio to the jail of Wise county.

Approved March 4, 1892.

Whereas one Elias Collier was indicted in the county court of Wise county for the murder of one Brack Felts; and whereas the governor of the commonwealth of Virginia offered a reward for the capture and delivery to the jailer of Wise county the said Collier; and whereas a man was captured in the state of Ohio, who was thought to be the said Elias Collier, and the governor of this commonwealth, on the twenty-fourth of June, eighteen hundred and eighty-nine, issued his requisition on the governor of Ohio for said Elias Collier, and designated N. J. Horn by his warrant to bring said Collier; and whereas the said Horn did bring the man who was held by the authorities of the state of Ohio, and thought to be the said Collier, to the jailer of Wise county; and whereas the expense paid by said Horn for transportation and board of said man amounted to the sum of twenty dollars—

1. Be it therefore enacted by the general assembly of Virginia, That the auditor of public accounts be authorized and directed to issue his warrant in favor of N. J. Horn, for the sum of twenty dollars, on the treasurer of this commonwealth, for the services set forth in this act.

2. This act shall be in force from its passage.

CHAP. 733.—An ACT to amend and re-enact sections 1 and 6 of an act entitled an act to incorporate the Lynchburg and Southwestern development company, approved March 8, 1890, and to change the name thereof.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That sections one and six of an act approved March fifth, eighteen hundred and ninety, entitled an act to incorporate the Lynchburg and Southwest Virginia development company, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That Honorable John W. Daniel, of Lynchburg, Virginia; Major J. D. Patton, Charles E. Belvin, A. Monteiro, doctor of medicine, Leroy E. Brown, N. T. Pate, of Richmond, Virginia; Honorable E. L. Roberts, of Smyth county, Virginia; Honorable E. S. Kendrick, of Bristol, Tennessee; W. C. Craig, of Augusta, county, Virginia; J. F. Slaughter, J. H. Bartlett, T. D. Evans, A. B. Barker, C. K. Moorman, W. H. Wren, of Lynchburg, Virginia, and their associates and successors, be, and they are hereby, constituted and made a body corporate and politic by the name and style of the Virginia land investment and development company, and by that name and style shall have all the rights, powers and privileges conferred by and be subject to all the provisions of chapters forty-six, forty-seven and fifty-one of the Virginia code of eighteen hundred and eighty-seven, so far as the same may be applicable to and not inconsistent with this act: and provided, however, that the corporate powers hereby granted shall not cease or be in any way impaired by reason of anything contained in section eleven hundred and forty-one, or section eleven hundred and forty three of chapter forty-seven of the code of Virginia of eighteen hundred and eighty-seven.

§ 6. Until the first general meeting of the stockholders to be held in the city of Richmond on the second Monday in March, eighteen hundred and ninety-two, the said stockholders shall elect certain directors, with power to choose from their number a president, and to discharge all the duties of directors, including the collection, through such officers as they may appoint, of the said minimum amount of capital stock, in money or in property, at agreed prices.

2. This act shall be in force from its passage.

CHAP. 734.—An ACT for the relief of the sureties of Peter B. Crowder, late treasurer of Amelia county.

Approved March 4, 1892.

Whereas Peter B. Crowder, late treasurer of Amelia county, has failed to account for certain portions of the revenue of this commonwealth—that is to say, one hundred and fifty-one dollars and ninety-eight cents for the year eighteen hundred and eighty-four; ninety-three dollars and ninety-one cents for the year eighteen hundred and eighty-five; sixty-eight dollars and twenty-eight cents for the year eighteen hundred and eighty-six; seventy-two dollars and seventy-nine cents for the year eighteen hundred and eighty-seven, and fifteen dollars and sixty-eight cents on account of notarial seal tax, and two thousand five hundred and seventy-seven dollars and fifty-nine cents for the year eighteen hundred and ninety, and one thousand four hundred and four dollars and twenty-three cents for the year eighteen hundred and ninety-one, as appears from the records of the office of the auditor of public accounts; and

Whereas such indebtedness has been occasioned in great part by the defalcation of the deputies of said Peter B. Crowder, treasurer, and will have to be discharged and paid by the sureties upon his official bond; and

Whereas the said sureties have had no notice of such defalcation from the commonwealth of Virginia or otherwise that would have enabled them to protect themselves against loss and injury by reason of their suretyship for said treasurer, and from which they might have been protected, and would have been protected, had due diligence been used to collect the said indebtedness by the commonwealth and her duly authorized agents and officers; therefore,

1. Be it enacted by the general assembly of Virginia, That Robert E. Bridgeforth, S. D. Vaughan, Jacob Schliegel, M. A. R. F. Blanton, Winfield Scott and John A. Wallace, sureties on the official bond of Peter B. Crowder, late treasurer of Amelia county, be, and they are hereby, authorized and empowered to pay off and discharge their liability and indebtedness aforesaid with the bonds of the commonwealth of Virginia, with all undue coupons attached, issued under the act approved on the fourteenth day of February, eighteen hundred eighty-two, at their face value, and the auditor of public accounts is hereby authorized to receive, and it is hereby made his duty to receive, the said bonds, with all undue coupons attached, at their face value, in full satisfaction and discharge of the indebtedness aforesaid, so far as their denomination or amount will allow,

and the amount of said indebtedness to be ascertained by the auditor of public accounts, who, in stating the same, shall give credit for the usual commission to said treasurer, and shall charge in the statement no damages, but only principal and interest at the rate of six per centum per annum from the passage of this act: provided this act shall not be so construed as to relieve the said Peter B. Crowder from the payment of any difference in the face value of said bonds and the amount so stated by the said auditor to be due: and provided that before any settlement shall be made with said sureties under this act the said Peter B. Crowder shall confess judgment in the circuit court of the city of Richmond, or the office of the clerk thereof, for the amount of principal and interest so to be stated and the costs of suit.

2. Upon such confession of judgment by said Peter B. Crowder and settlement with the said auditor by said sureties, as herein provided, the said auditor shall endorse the said judgment satisfied as to any amount of cash that he or the said sureties may pay in such settlement, and as to an amount equal to the market value of the bonds so paid to the said auditor of public accounts, such value to be ascertained and fixed at the time of settlement by the said auditor of public accounts: and provided that the confession of judgment by the said Peter B. Crowder shall not affect the existing right of the commonwealth to sue the said sureties and to assert her rights against them as such, as the said auditor may deem proper and right.

CHAP. 735.—An ACT to incorporate the Washington pneumatic power and post company.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That H. Clay Smith, Thomas Cavanaugh, Edmund Brand, Warder Voorhees, Francis R. Fava, of the District of Columbia; Carlo F. Z. Caracristi and Mark R. Lloyd, of the state of Virginia, or such of them as may accept the provisions of this act, their associates, successors and assigns be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of the Washington pneumatic power and post company, and by that name shall be known in the law, and as such are authorized and empowered to locate, own, lease, sell, convey, work, operate and develop, in any way whatsoever, any water or other natural power within the state of Virginia, and to convert the same into pneumatic or electric power, upon any river or rivers, or any branches thereof, within

the state of Virginia or upon its borders, and to convey said power into any other state or territory adjoining thereto, by such route or routes as may be deemed suitable by the board of directors, and shall have the power to construct and equip such aqueducts, canals, dams and power plants as may be necessary to develop said water or other natural power at such places and by such route or routes as may be determined upon by the board of directors; and may also connect with any other aqueducts, canals, pneumatic or electric power line or lines, either now or hereafter built and operated in the state of Virginia, by extending said aqueducts, canals, pneumatic or electric power line or lines in any direction and by any route or routes deemed suitable by its board of directors.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity, and may make and have a common seal, and alter or renew the same at pleasure, and shall have and possess and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act.

3. The capital stock of said company shall not be less than one hundred thousand dollars, and may from time to time, with the consent of a majority of its stockholders, be increased to any amount necessary to carry out its plans by issue and sale of shares, the par value of which shall not be less than one hundred dollars, from time to time, under such regulations as the board of directors of said company shall prescribe; and the directors may receive cash, labor, material, real and personal property suited to the business of the company, in payment of subscriptions to the capital stock, at such valuations as may be agreed upon between the directors and the subscribers, and may make such subscriptions payable in such manner or in such amounts and at such times as may be agreed upon with the subscribers.

4. It shall be lawful for said company to acquire by donation or purchase, land, water-front and water-power for right of way, depots, stations, power-plants and other purposes necessary for the successful construction and operation of its aqueducts, canals, dams, power-plants, pneumatic or electric-power lines, roadways, railroads, pneumatic or electric railways.

5. It shall be lawful for said company to borrow money or issue and sell its bonds from time to time for such sums, on such terms, as its board of directors may deem expedient and proper, and to secure the payment of such bonds by mortgages or deeds of trust upon all or any portion of its property and franchises.

6. It shall be lawful for said company to guarantee or hold the stock or bonds of any mining, manufacturing or other corporation of this or any other state or territory, and mining, manufacturing or other corporations may guarantee or hold the stock or bonds of the said company.

7. The said company may acquire by condemnation, according to the laws of Virginia, any water-front and water-power necessary for the production of power: provided said condemnation shall not be in conflict with any water-power that has hitherto been developed for the use of canals, mills or other manufacturing or industrial operations, and the lands required for the right of way of its aqueducts, canals, pneumatic or electric-power lines, stations and power-plants for its operations, and may connect and unite its aqueducts, canals and pneumatic and electric-power lines with those of any other company now or hereafter constructed in the state of Virginia, or consolidate or merge its stock, property or franchise with those of any company operating or authorized to operate a connecting line of the same description or kind not a competing line, upon such terms as may be agreed upon by the board of directors of the companies so uniting or consolidating, and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connections, merges or consolidations: provided that a copy of every such contract, consolidation and merge be filed in the office of public works.

8. The said company shall be required to commence the construction of said aqueducts, canals, pneumatic or electric-power lines within five years from the passage of this act.

9. The persons named in this act, or such of them as shall accept the provisions thereof, shall have the power and authority of a president and board of directors for the purpose of organizing and all other purposes. They, or any five of them, may constitute the board of directors for the first year, or until their successors shall be elected and qualified. They shall elect one of their number president pro tempore. They shall open books of subscription to the capital stock of said company at such times and places as they may see proper. When five thousand dollars or more are subscribed, they may convene the stockholders and organize the company. Each stockholder shall be entitled to one vote for each share of stock subscribed for and paid on by him. At the first meeting of the stockholders the president pro tempore appointed by the corporations shall preside. The stockholders at the first meeting shall fix the number of directors and elect them. The said board of directors shall elect a permanent president and other officers and secretary, who shall certify said or-

ganization on the books of said company, a copy of which, duly attested by a notary public, shall be received as evidence of the legal organization of said company. The board of directors shall be stockholders of said company, and they may fill any vacancy that may occur in said board.

10. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located at Alexandria, Virginia.

11. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

12. This act shall be in force from its passage.

CHAP. 736.—An ACT establishing a special school district in Scott county, Virginia.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That there is declared a separate sub-school district from the districts of DeKalb and Johnson, in the county of Scott, designated by the following lines and boundaries: Beginning at H. W. Daugherty's residence and including said residence, on the old ridge road, and running with said road southwest to a point opposite James D. Vermilion's; thence south to Copper creek; thence up said creek to the mouth of Valley creek, and up the latter creek to the mouth of William Elam's branch; thence north to the main ridge road, heretofore named, and with the same to the beginning.

2. That when the trustees of Mount Pleasant school-house, in said boundary, delivers a good title to said house and grounds to the public school board of DeKalb district, Scott county, Virginia, the same shall be accepted by said board of trustees of DeKalb district as the place of public instruction for said school district.

3. This act shall be in force from its passage.

CHAP. 737.—An ACT for the protection of fish in the Shenandoah river and its tributaries.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to take, catch or kill any fish in the Shenandoah river and its tributaries

except in Page county, other than with a hook and line (which shall not be construed to include a trot line) except as hereinafter provided, namely: gigs or spears and dip-nets may be used in taking and catching fish from said river and its tributaries between the first day of November and the thirty-first day of December in each year; and fish-pots may be used for said purpose provided the dam is left open on one side not less than thirty feet from the bank at low-water mark, and in case of a dam or other obstruction, where fish-ladders are required by law, if the party whose duty it is to construct such fish-ladder fail to do so, any other person or persons aggrieved thereby may construct the same at the cost of the aforesaid party, and recover the same on motion before a justice, if less than one hundred dollars, and on motion in the circuit court, if more than one hundred dollars; but this shall not relieve said party from criminal liability for said failure.

2. Any person violating this act shall be fined not less than five nor more than twenty-five dollars for each offence.

3. This act shall be in force from its passage.

CHAP. 738.—An ACT to authorize the board of supervisors of Craig county to borrow money to pay the present indebtedness of said county.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Craig county be, and they are hereby, authorized to borrow money, not exceeding five thousand dollars, with which to pay off the present indebtedness of the county.

2. The said loan shall be effected by issuing the bonds of the county, signed by the chairman of said board and countersigned by the clerk, payable not more than ten years after the date of issue, the said bonds to be for the sum of one thousand dollars each, with coupons attached for the semi-annual interest, and the principal shall be made to fall due in sums of five hundred dollars each year, so that all of the bonds shall become due and be paid off in sums of five hundred dollars each consecutive year after payment of them is begun.

3. The said board of supervisors may fix the rate of interest which the said bonds shall bear, but said rate shall not exceed six per centum per annum.

4. The said board of supervisors shall have full power to negotiate the said bonds through an agent, or in any way they may think best, and may deposit the proceeds in the bank of New Castle, subject to their order, and may pay to

the county treasurer such sums from time to time that they may deem expedient, until the whole of the present indebtedness of the county is liquidated: provided that said board shall not sell or otherwise dispose of any of said bonds at less than their par value.

5. It shall not be lawful for the board of supervisors of Craig county to use the money, or any part of the same, arising from the sale or disposal of said bonds except in the payment of such debt or debts as are due and payable by the county of Craig at the date of the passage of this act.

6. This act shall be in force from its passage.

CHAP. 739.—An ACT for the relief of H. M. Drewry, of Henry county.

Approved March 4, 1892.

Whereas H. M. Drewry, of the county of Henry, has improperly paid into the treasury of the state the sum of thirty-two dollars, resulting from a clerical error in transcribing the property books of said county; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to issue his warrant in favor of H. M. Drewry for the thirty-two dollars thus improperly paid.

2. This act shall be in force from its passage.

CHAP. 740.—An ACT to amend and re-enact sections 3, 5 and 6 of an act for the protection of sheep in the counties of Clarke, Frederick and Charlotte, approved March 6, 1874, as to the county of Frederick.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That sections three, five and six of chapter eighty-one of the acts of eighteen hundred and seventy-four, so far as said act applies to the county of Frederick, be amended and re-enacted so as to read as follows:

§ 3. Upon complaint of any person to a justice of the peace that there is a dog staying about the premises of any person that is not listed, the justice shall summon such person and the commissioner of the revenue for the district, to appear before him and give evidence as to the listing of such dog, and he shall hear and decide the case, and if the complaint be found to be true and the person so charged

shall fail to pay the tax thereon, and the costs hereby incurred, he shall be fined the sum of one dollar and costs; and in addition the justice shall order the constable to kill said dog. The fees allowed under this section shall be those now allowed by law, and the constable shall receive the fine imposed as his fee for killing the dog. The treasurer of the county shall annually make out and present at the June term of the county court his delinquent list, and he shall, within thirty days after said list has been approved by the court, make off copies of said list, setting forth the names of the owners of dogs in each magisterial district in his county who have been returned delinquent for the non-payment of the tax thereon, and the number of dogs charged to each delinquent; and he shall cause one of said copies to be delivered to the constable of each district, who shall forthwith lay the same before a justice of his district, and said justice shall issue a warrant to the constable, commanding him to kill the dogs set forth as delinquent in said list. The constable shall, without unnecessary delay, proceed to discharge his duties in this behalf; but before killing any dog, if the amount of tax and cost hereby incurred (including a fee of fifty cents to the constable) be tendered to him, he shall give his receipt for the amount and shall not kill said dog. The constable shall make return to the justice within sixty days of the manner in which he has executed said warrant, specifying how many dogs he has killed, and to whom they were charged, and the amount of tax collected by him, and from whom, and the justice shall forthwith certify to the commissioner appointed under this act the amount of taxes collected by said constable, and from whom collected, and the constable shall pay over to said commissioner the amount and take his receipt therefor. The constable shall receive for each dog killed the sum of one dollar out of the funds created by this act, to be paid by the commissioner upon the certificate of the justice to whom he shall have returned the warrant; and for a failure to kill any dog when practicable, which he has been ordered to kill, he shall be fined the sum of five dollars by any justice in his district.

§ 5. When the commissioners of the revenue shall have ascertained the number of dogs, they shall assess as a license tax for keeping dogs the sum of seventy-five cents for each dog so assessed, and said sum shall be collected and accounted for by the treasurers of said counties as county levies are by law directed to be collected and accounted for; and said treasurers shall keep a separate account of money arising from said tax on dogs in their respective counties, and shall, on or before the fifteenth day of June of each year, pay the same (after deducting delinquents and commissions) to a commissioner hereafter authorized

by this act; and said money shall be, and is hereby, appropriated—first, to the payment of the fees, charges and other expenses incurred in enforcing this act; secondly, to pay for the destruction of panthers, wolves, foxes and wildcats; thirdly, for remunerating the inhabitants of said counties for any loss they may sustain by sheep being killed by a dog or dogs.

§ 6. That when any inhabitant of either of said counties aforesaid shall have any sheep killed by a dog or dogs, he or she may apply for appraisers as hereinafter provided for by this act, and they, or any two of them, are hereby authorized and required to view and ascertain the damages sustained by the owners of sheep killed as aforesaid; and when they have ascertained the legality of the claim, and the damages so sustained, they, or any two of them, having first been sworn, shall certify the same, under their hands and seals, to said commissioner, who shall receive said certificate and give a receipt for the same, and at the close of each year he shall make an estimate of such certificates as may have been presented to him, and also the amount of all such tax of the same year; and (after having paid all fees and expenses as herein provided, also all rewards offered by the supervisors for the destruction of wolves, panthers, foxes and wildcats, which have been presented properly certified to him) it shall appear that the amount of said tax will be insufficient to discharge the whole amount of damages for sheep killed, he shall apportion the amount, and pay to each sufferer in proportion to the loss sustained, and if at any time after settling the yearly account as aforesaid there shall be an overplus it shall be carried to his account of the following year.

2. The supervisors are hereby authorized to carry out the provisions of this act so far as they may deem proper.

3. This act shall be in force from its passage.

CHAP. 741.—An ACT for the appointment of an inspector of staves for the city of Norfolk.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That it shall the duty of the judge of the corporation court of the city of Norfolk, upon the request of the councils of the city of Norfolk, at the April term thereof, eighteen hundred and ninety-two, and at every said term every four years thereafter succeeding, to appoint an inspector of staves, to hold office for the term of four years from the first day of May, eighteen hundred and ninety-two, for the

term of four years thereafter, and until his successor be appointed and qualified.

2. It shall be the duty of said inspector to inspect and classify all slack barrel staves received in the city of Norfolk to be used in the manufacture of flour and produce barrels in the city of Norfolk or county of Norfolk, for which service he shall be entitled to receive a fee of thirty cents per thousand from the consignee of said staves.

3. All said slack barrel staves shall be put up dry and in bundles of fifty staves each. Each stave shall average four inches wide, three-eighths of an inch thick and not less than twenty-seven and a half inches nor more than twenty-eight and one-half inches long, and such shall be classified as number one. All those possessing two but not three of the above requirements shall be classified as number two. All those possessing but one or none of the above requirements shall be classified as number three. And it shall be the duty of said inspector to issue a certificate to said consignee, or other party requiring the same, setting forth the grade and quantity of said staves.

4. It shall be the duty of every consignee receiving any shipment of said slack barrel staves to notify the inspector of the place of said staves, for inspection, and for failure to so notify said inspector he shall be liable for the sum of one dollar for every thousand he shall so fail to have inspected, and the said inspector for failure to promptly perform the duties required by this act shall be liable to the party aggrieved in the like sum of one dollar per thousand for each thousand he so fails to inspect.

5. The said inspector shall give bond with security before the corporation court of the city of Norfolk, a penalty of five hundred dollars, conditioned for the faithful performance by him of the duties of his office under this act, and for the payment of any penalties herein prescribed.

6. This act shall be in force from its passage.

CHAP. 742.—An ACT to provide for the appointment of road superintendents for the counties of Pittsylvania and Halifax, and to prescribe their duties.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That at the April term of the county courts of Pittsylvania and Halifax, eighteen hundred and ninety-two, and every two years thereafter, there shall be a superintendent of roads appointed for each magisterial district in said counties, whose duty it shall be to go over the roads in his district at least twice a year and see that the roads

are kept in good order, clear of roots and rocks, and free from the falling of dead timber, and report every overseer to the grand jury whose road has been out of order for twenty days. Each superintendent is to receive two dollars per day for every day he is actually engaged in going over his road precinct, but is not to receive over thirty dollars for any one year. Before entering upon the duties of his office he shall enter into a bond, with good security, for the faithful performance of his duties.

2. This act shall be in force from its passage.

CHAP. 743.—An ACT for the relief of D. Franklin Brown, a disabled ex-Confederate soldier.

Approved March 4, 1892.

Whereas D. Franklin Brown, of Fauquier county, a private soldier of company A, Forty-third battalion of Virginia cavalry, was, by hardships and exposure endured in the Federal prison at Point Lookout, so disabled as to become a cripple for life, and yet does not come within the provisions of the general statute allowing pensions; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to list the said D. Franklin Brown for the pension of thirty dollars per annum.

2. This act shall be in force from its passage.

CHAP. 744.—An ACT to incorporate the Radford wheelmen.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That Warner J. Kenderdine, Melmoth M. Osborne, William W. Darnell, Richard H. Lytle, George W. McGregor, Arthur Roberts, Joseph R. Kemp, Charles M. Caldwell and Theodore Labrum, and such other persons as are now associated as the Radford wheelmen, or may hereafter be associated with them, are hereby constituted a body corporate by the name of the Radford wheelmen, to be located in the city of Radford, Virginia, for the purpose of the mutual enjoyment of its members in the pursuit of cycling as a pastime; the promotion by force of example of the use of the bicycle, or similar machines, as practical and enjoyable aids to locomotion, the advancement of cycling

interests generally, including the awakening of greater interest in better roads and the promotion of good fellowship and comfort among its members.

2. The said corporation shall have power to make and adopt a constitution and by-laws, rules and regulation for the admission and expulsion of members and their government; the election of its officers and to define their duties, and for the safe-keeping and protection of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations: provided that the same be not inconsistent with the constitution and laws of the United States or the state of Virginia.

3. The said corporation may purchase or lease any real estate or personal estate: provided that the real estate held by them at any time shall not exceed one acre of land.

4. The present officers shall hold their offices for their unexpired terms and until their successors are elected, unless it shall be otherwise ordered in the next general meeting of said corporation.

5. The present constitution and by-laws of said corporation shall remain in full force and effect until amended, altered or repealed as provided by said constitution.

6. This act shall be in force from its passage, and be subject to amendment, alteration or modification at the pleasure of the general assembly.

CHAP. 745.—An ACT to allow J. F. McIlwaine, of Petersburg, to erect a wharf on Lawn's creek, in Surry county.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That J. F. McIlwaine, of the city of Petersburg, be, and he is hereby, authorized to erect a wharf on Lawn's creek, in Surry county, on the land of C. B. Turner, by and with the consent of the said Turner, and be subject to all of the laws of the state governing all wharves erected in the waters of the commonwealth: and provided, also, that this act shall at all times be under the control of the general assembly, and be amended or repealed, as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 746.—An ACT to authorize the board of supervisors of Alleghany county to borrow money to redeem bonds of the said county.

Approved March 4, 1892.

Whereas the board of supervisors of the county of Alleghany have determined to redeem the bonds of the said county which were issued under an act entitled an act to authorize the board of supervisors of Alleghany county to borrow money to build bridges in said county, approved February third, eighteen hundred and eighty-eight; and whereas the said board desire to raise the sum of twenty-three thousand dollars for that purpose; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Alleghany be, and they are hereby, authorized to issue bonds of the county of Alleghany to an amount not exceeding twenty-three thousand dollars, and shall sell the same under such conditions as are hereinafter prescribed, and with the proceeds redeem the bonds mentioned in the preamble of this act.

2. That the bonds issued in pursuance of this act shall be coupon bonds of one hundred dollars each, payable in not less than one nor more than eight years, at the option of the board of supervisors of Alleghany county, and bearing interest at a rate not exceeding five per centum per annum, and shall be signed by the chairman of the board of supervisors and attested by the clerk of the county court of Alleghany county, and shall have the seal of the board affixed thereto.

3. The said bonds shall be sold for not less than the face value thereof, and the coupons for interest due thereon shall be receivable at any time after maturity for all taxes and other debts due the county of Alleghany.

4. The board of supervisors and their successors in office shall levy annually a sufficient tax to meet the annual interest upon said bonds, and in addition thereto, after the first year, sufficient to retire at least one-tenth of the principal of said bonds actually issued until the whole are retired.

5. All moneys realized from the sale of said bonds shall be received by the treasurer of Alleghany county, and he shall be liable upon his official bond for all moneys so received, the said moneys to be used solely for the purpose of redeeming the bonds mentioned in the preamble of this act; and the treasurer for receiving and disbursing the said fund shall receive such compensation as the board of supervisors shall deem proper.

6. The coupons and bonds issued under this act shall be redeemable at the office of the treasurer of Alleghany

county, and when paid by him shall be cancelled and destroyed in the presence of the board of supervisors.

7. The board of supervisors shall keep a registry of the number and amount of each of said bonds, and shall redeem them in the order in which they were issued.

8. That the property, both personal and real, in the towns of Clifton Forge and Covington shall be taxed under this act in the same manner and in the same proportion that it is taxed under the act entitled an act to authorize the board of supervisors of Alleghany county to borrow money to build bridges in said county, approved February third, eighteen hundred and eighty-eight.

9. This act shall be in force from its passage.

CHAP. 747.—An ACT to incorporate the Great council of Virginia improved order of Red men.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That John W. Cherry, O. E. Hatcher, O. F. Wise, W. J. Traylor, Ira T. Holt, Henry L. Carter, H. M. Hale, L. B. Moore, G. W. Amory, B. W. Downey, C. S. Wells, C. E. Hill and R. W. Carter, with such other persons as under the rules or usages of the order are now or hereafter may be associated with them as members, be, and they are hereby, created a body politic and corporate under the name and style of the Great council of Virginia improved order of Red men, and by such name and style may sue and be sued, plead and be impleaded, and have perpetual succession and a common seal.

2. The said corporation, for the purposes of its organization, which are hereby declared to be social and benevolent in their character, may purchase, hold, alien or encumber estate, real and personal, at any point or points in the state: provided that such real estate shall not at any time exceed five acres, or in value the sum of one hundred thousand dollars altogether.

3. It shall have power from time to time to establish or change its places of session, as well as the location of its principal offices at or to such place or places in the state as it may deem expedient or proper.

4. It shall have power, in furthering the purposes of its organization, to establish subordinate councils or tribes at different points in the state, and for their and its own better control and government may, from time to time, declare and promulgate such constitutions, by-laws and rules, being not inconsistent with the general law, as to it may seem expedient and proper.

5. This act shall be in force from its passage.

CHAP. 748.—An ACT to allow the voters of Patrick county to vote on the question of a fence law.

Approved March 4, 1892.

1. Be it enacted by the general assembly of Virginia, That it may be lawful for the judge of the county court of Patrick county, upon petition of any forty freeholders of said county, to order the sense of the qualified voters of said county, to be taken at any general election for county or district officers, upon the question of whether said county shall become a fence law county or not; but before any such election is held the judge shall cause the same to be published at least thirty days previous to the holding of such election by posting of hand-bills at each voting precinct in said county; but after there has been one election held on said question, there shall not be another held on said question within the next four years. Any such election being held under this act shall be subject to the existing laws.

2. This act shall be in force from its passage.

COMMISSIONERS OF DEEDS FOR VIRGINIA.

IN COMMISSION MARCH 15, 1892.

NAME AND STATE	POST-OFFICE	WHEN COMMISSIONED.	WHEN QUALIFIED.
NEW YORK:			
George H. Taylor . . .	29 Nassau street.	Apl. 8, 1890.	Apl. 10, 1890
John A. Hillery . . .	56 Wall street.	Apl. 10, 1890.	Apl. 14, 1890
Thomas W. Folsom . .	834 Broadway.	Apl. 26, 1890.	May 13, 1890
Thomas Kilvert . . .	154 Nassau street. . . .	May 17, 1890.	
W. H. Clarkson . . .	115 Broadway.	June 6, 1890.	June 10, 1890
Emil Frenkel	160 east 45th street. . .	Sep. 24, 1890.	Oct. 8, 1890
J. F. C. Grow	23 Broad street.	Oct. 8, 1890.	Oct. 14, 1890
Ella F. Braman . . .	1270 Broadway.	Dec. 19, 1890.	Jan. 6, 1891
G. P. H. McVay . . .	258 west 125th street. .	Feb. 24, 1891.	Feb. 25, 1891
A. B. Genet	182 Nassau street. . . .	Apl. 8, 1891.	Apl. 18, 1891
C. T. Lunt	470 Broadway.	Apl. 16, 1891.	Apl. 17, 1891
J. B. Braman	120 Broadway.	Apl. 25, 1891.	May 6, 1891
E. F. Corey	52 Wall street.	May 21, 1891.	May 22, 1891
Vincent Roseman . .	271 Broadway.	May 21, 1891.	May 23, 1891
Alfred McKay	59 Cedar street.	Aug. 19, 1891.	Aug. 20, 1891
Eleaser Jackson . . .	293 Broadway.	Sep. 17, 1891.	Sep. 26, 1891
G. H. Corey	52 Wall street.	Oct. 14, 1891.	Oct. 16, 1891
Charles Taylor . . .	143 Liberty street. . . .	Dec. 14, 1891.	Dec. 16, 1891
Leo Schwab	10 Wall street.	Dec. 16, 1891.	Dec. 26, 1891
E. H. Corey	206 Broadway.	Jan. 29, 1892.	Feb. 3, 1892
G. G. Battle		Feb. 11, 1892.	Feb. 12, 1892
Thomas B. Clifford . .		Feb. 13, 1892.	Feb. 15, 1892
GEORGIA:			
William B. Adams . .	Savannah.	Feb. 9, 1891.	Feb. 12, 1891
MARYLAND:			
Murray Hanson . . .	Corner St. Paul and Fayette . . .	Oct. 7, 1890.	Oct. 8, 1890
T. M. Dobbin	Corner St. Paul and Fayette . .	Feb. 2, 1891.	Feb. 3, 1891
J. E. Bartlett	Box 147, Baltimore. . . .	Mar. 11, 1891.	Mar. 21, 1891
G. E. Reardon	Lexington street and St. P. . .	July 17, 1891.	July 18, 1891
A. L. Thurman	Baltimore.	Dec. 15, 1891.	Dec. 17, 1891
P. H. Hoffman	Baltimore.	Feb. 16, 1892.	Feb. 17, 1892
W. H. H. Raleigh . .	Baltimore.	Mar. 28, 1892.	
PENNSYLVANIA:			
Joseph S. Hagan . . .	502 Walnut street, Philadelphia . .	July 7, 1890.	
E. H. Cloud	6th and Walnut streets, Philadelphia.	Dec. 15, 1890.	Dec. 18, 1890
J. H. Wheeler	Philadelphia.	Feb. 21, 1891.	Feb. 26, 1891
W. I. Fell	982 Drexel street.	Mar. 10, 1891.	Mar. 13, 1891
D. J. Mann	221 south 5th street. . . .	Apl. 1, 1891.	
K. J. Tener	441 Chestnut street. . . .	June 11, 1891.	June 25, 1891
C. W. Sparhawk . . .	400 Chestnut street. . . .	June 11, 1891.	June 16, 1891
Sam'l L. Taylor . . .	Philadelphia.	Aug. 31, 1891.	Sep. 1, 1891
George W. Hunt . . .	Philadelphia.	Feb. 15, 1892.	Feb. 18, 1892
LOUISIANA:			
M. C. Soniat	13 Carondelet street, New Orleans . .	Mar. 8, 1892.	Mar. 15, 1892
DISTRICT OF COLUMBIA:			
John E. Beall	1321 F street N. W., Washington . . .	Apl. 24, 1890.	Apl. 25, 1890
C. S. Bundy	458 Louisiana avenue, Washington. . .	July 10, 1890.	July 11, 1890
R. V. Hughes	1420 F street N. W., Washington . . .	Sep. 23, 1890.	Oct. 3, 1890
W. M. Williams . . .	613 F street N. W., Washington. . . .	Sep. 26, 1890.	Nov. 21, 1890

COMMISSIONERS OF DEEDS FOR VIRGINIA—CONTINUED.

NAME AND STATE.	POST-OFFICE.	WHEN COMMISSIONED.	WHEN QUALIFIED.
OHIO:			
J. T. Harrison	5th and Main, Cincinnati	Nov. 2, 1891 .	Nov. 5, 1891
MASSACHUSETTS:			
D. B. Whittier	11 Bromfield street, Boston.	Apl. 18, 1890 .	Apl. 21, 1890
Charles Keveney	58 Devonshire street, Boston	June 12, 1890 .	June 12, 1890
C. H. Adams	5 Court street, Boston.	Jan. 22, 1891 .	Jan. 24, 1891
Sam'l Jennison	186 Washington street, Boston	Apl. 20, 1891 .	
E. J. Jones	61 Court street, Boston	June 22, 1891 .	
CALIFORNIA:			
J. E. Mills	Sacramento	Nov. 14, 1890 .	Mar. 11, 1891
ILLINOIS:			
P. A. Hayne	Chicago	Oct. 22, 1891 .	Oct. 24, 1891
CONNECTICUT:			
L. W. Cleveland	Hartford	Oct. 15, 1891 .	Jan. 12, 1892
H. E. Tainter	Hartford	Nov. 7, 1891 .	Nov. 17, 1891
NORTH CAROLINA:			
F. W. Ritter	Mayock	Feb. 19, 1891 .	
KENTUCKY:			
N. G. Rogers	Louisville	Aug. 26, 1891 .	Aug. 31, 1891

LIST OF CHARTERS

Granted by the circuit and corporation courts of the Commonwealth, and recorded and filed in the office of Secretary of the Commonwealth, from March 15th, 1890, to March 15th, 1892.

Alexandria Savings Bank.
Atlantic Improvement Company.
Augusta Mining and Investment Company.
American Bridge and Iron Company.
Amazon Mineral Spring Company.
Appalachian Bank.
American Electric and Manufacturing Company.
Atlantic and Chesapeake Real Estate Association.
Atlantic City Improvement Company.
Boyd Land and Improvement Company.
Buchanan Land and Improvement Company.
Blue Ridge Dyspepsia Water Company.
Bedford City Ice Company.
Blankman Gun-Sight Company.
Bohls Cigarette Machine Company.
Basic City Car-Works Company.
Blackshire Improvement and Investment Company.
Baltimore and Ohio Land Company.
Brambleton Heights Company.
Bristol Hotel Company.
Beckley Marble Company.
Basic City Building and Investment Company.
Barrow Land Company.
Crystal Spring Land Company.
Charlottesville West Land Company.
Basic City Car Works.
Bankers' Loan and Investment Company.
Bohemian Club.
Bureau of Credits.
Bradshaw Lumber Company.
Bull Run Coal and Iron Development Company.
Baltimore Building and Loan Association.
Bank of Smithfield.
Big Lick Investment Company (Roanoke).
Bay Lumber Company.
Blackstone Land and Improvement Co. (Amendment.)
Bristol Hardware Company.
Burksville Granite Company.

Business Man's Protective Union.
Buckly Fire Escape Company.
Berkley Market and Stock-Yard Company.
Building Company of Roanoke.
Belle Haven Mannerchoir Club.
Blue Ridge Building and Investment Company.
Bellfield Manufacturing Company.
Crystal Ice Company.
Clifton Forge Water Company.
Columbia Universal Refrigerating Company.
Clyde Land Company (Roanoke).
Chesapeake and Ohio Development Company.
Commonwealth Land Improvement Company.
Clifton Forge Mining and Development Company.
Chesapeake Cemetery Company.
Coopers' Central Union.
Cove Lithia Springs Company.
Coffee Stemming Company.
Columbia Real Estate Company.
Commercial Bank of Glasgow.
Crystal Springs Street Railway Company.
Crab Orchard Coal and Iron Company.
Commercial Land Company.
Dixie Land Company.
Diamond Ice Company.
Doe Mountain Mining and Improvement Company.
Davis Wholesale Dry Goods Company.
Elkton Improvement Company.
East Virginia Mineral and Warrenton Improvement Company.
Elizabeth City Company (with amendment).
Enterprise Baking Company.
Elmwood Investment Company.
Eagle's Cliff Mining Company.
Forest Land Company.
Fincastle Land and Improvement Company.
Fairmont Land Company (amendment).
F. E. Patrick Company.
Farmers' Alliance Co-operative Manufacturing Company.
Fairfax Aluminum, Gold and Silver Mining and Manufacturing Company.
Fair View Land Company.
Fredericksburg Building Association.
Franklin Land and Improvement Company.
Franklin Lumber Company.
Fishburne Military School.
Fredericksburg Manufacturing Company.
Fidelity Loan and Trust Company.
Geneva Land Company (Salem).
Glasgow Manufacturing Company.
Grottoes Land and Improvement Company.
Gloucester Mercantile Company.

Glasgow Investment Company.
Glenwood Land Company.
Grottoes Company.
Goshen Land and Improvement Company.
Glasgow Publishing Company.
Greenwood Land Company.
Glasgow Improvement Company.
Graham Transparent Ice Company.
Hockman Land Company.
Home Permanent Building Fund, Loan and Trust Association of
Fredericksburg, Virginia.
Harrisonburg Mineral and Development Company.
Harrisonburg Land and Improvement Company.
Henry Medicine Company.
Houston Land and Improvement Company.
Hambrick Land Company.
Hedgefield Improvement Company.
James River Marl and Bone Phosphate Company.
J. P. Houck Tanning Company.
James River Cement Company.
Janette Land Company.
Janetian Land and Improvement Company.
James River Tanning Company.
Jackson Park Hotel Company.
Lester Manufacturing Company.
Lambert's Point Improvement Company.
Litchfield Land Company.
Kent Land Company.
King Investment Company.
Krise Banking Company.
Marven Land and Improvement Company.
Manchester Gas and Electric Company.
McQuail Coal and Coke Company.
Marr Egg Crate Company.
Montgomery Land Company.
Montrose Land and Improvement Company.
Martin's Point Gun Club.
Merchants' and Farmers' Bank of Portsmouth. (Amendment.)
J. B. F. Mills Company.
Midland Land Company.
Mineral City Mining, Manufacturing and Land Company.
Midvale Land Company.
Midway Iron Company.
Mayo's Bridge and Improvement Company.
North Brook Land Company.
Newport News Loan and Improvement Association (with amendment).
New Landsdowne Land Company.
Northside Land Company.
North Salem Land and Improvement Company.
New Era Building Association.

Oak Ridge Land Company.
Ourdon and Kolb Eng. Machine Eng. and Mercantile Company.
Otterview Land Company.
Oriental Cigarette Machine Company.
Ohio Universal Refrigerating Company.
Old Dominion Electric Light and Power Company (amendment).
Oak View Land and Improvement Company.
Norfolk Business Men's Association.
Newberry Land Company.
Park Avenue Land and Improvement Company.
Piedmont Land and Manufacturing Company.
Potomac Stone Company.
Portsmouth Atlantic Club.
Piedmont (Virginia) Land Company.
Queen City Land Company.
Radford West End Land Company.
Riverside Land Company.
Radford Development Company.
Richmond and Roanoke Land Company.
Roanoke Black Marble Company.
Radford Investment and Development Company.
Rich Patch Iron Company.
Roanoke Slicer Manufacturing Company.
Richlands Iron Company.
Rivermont Company.
Riverview Land Company (Danville).
Richmond Athletic Association.
Richmond Academy of Medicine and Surgery.
Rivermont Company.
Roanoke Brick Company.
Reading Class No. 2 of Cheerful Givers.
Richlands Brick and Manufacturing Company.
Rocky Mount Land and Improvement Company.
Roanoke Building Company.
Roanoke Domestic Ice Machine Company.
Rockingham Investment Company.
Richmond and Manchester Land Company.
Riverton Land Company.
Roanoke Granary and Milling Company.
South Salem Land Company.
Southern Investment Company.
Staunton Land Company.
Southern Real Estate Company.
Southern Printing and Lithographing Company.
Steelton Land Company.
Staunton Development Company.
South Lynchburg Land Company.
Savings Investment Company of Alexandria, Va.
South Radford Improvement Company.
Salem Tanning Company.
South Iron Gate Land Company.

Sherwood Land Company.
South Portsmouth Land and Improvement Company.
South Norfolk Land Company.
Shenandoah Land and Improvement Company.
Staunton Park Addition Company.
Staunton Improvement Company.
Standard Investment Company.
Southern Manufacturing Company.
Standard Kiln-Dried Lumber Company.
Stonewall Land Company.
Traders' Investment Company.
Tazewell Land Improvement Company.
True Commonwealth Company.
Tazewell Court-House Improvement Company.
Twin City Land and Improvement Company.
Union Brook Commission and Warehouse Company.
United States Capital Life Insurance Company.
United States Patent and Improvement Company.
Unaka Land and Mining Company.
Unicoi Land and Improvement Company.
Virginia Brewing Company.
Victoria Land and Improvement Company.
Valley Building and Investment Company.
Virginia Investment Company.
Virginia Gas-Coal Company.
Virginia Electric Light and Power Company. (Amendment.)
Virginia Egette Fuel Company.
Virginia Real Estate Investment Company.
Wytheville Cotton Mills Company.
West Enderley Company.
Wytheville Ice and Dairy Company.
West End Land and Improvement Company. (Amendment.)
Washington Improvement and Investment Company.
West End Glasgow Land Company.
West Staunton Land Company.
West End Land Company (Rocky Mount).
West End Social Club.
Waverly Publishing Company.
Wheless Electric Railway Company.
West End Land Company (Big Stone Gap).
Williams Brothers' Slate Company.
Wallace Company.
Waverly Company.
Wayne Land Company.
West Graham Land and Improvement Company.
Windsor Alliance and Peanut Factory and Mercantile Company.
West Wytheville Land and Improvement Company.
West End Land and Improvement Company (Petersburg).
West Roanoke Land Company.
American Lodge, No. 1, of the Independent Order of Good Samaritans.

Alliance Mills Company.
Accomac and Northampton Hedge Company.
American Electric Manufacturing Company.
Alexandria Brick Company.
Atlantic Club of Virginia Beach.
Alliance Co-operative Company of Richmond, Virginia (limited).
Ashland Land Improvement Company.
Albemarle Fair and Racing Association.
Augusta Mining and Investment Company.
Anglo-American Company (limited).
Alleghany Mining and Development Company.
Alliance Co-operative Warehouse Company of Lynchburg.
Alexander K. Rarig Company.
Alliance Co-operative Company of Clarke county Virginia (limited).
Abingdon Publishing Company.
Arcadia Investment Company.
A. F. Withrow Lumber Company.
Anchor and Hope Lot and Land Company.
Alexandria Literary Society.
Artisans Investment Company.
Ashland Land and Improvement Co. (Amendment.)
Albemarle Investment Company.
Alliance Co-operative Company of Charlottesville.
Alliance Fertilizer Works of West Point.
Alvarado Park Company.
Atlantic Land Company.
Amherst Company.
American Iron Works Company.
Adams Direct Process Steel Company of Virginia.
Augsburg Bank.
Amherst Development Company.
Augsburg Land and Improvement Company.
Arlington Trust and Loan Company.
American Co-Operative Banking Company.
Albemarle Land and Lumber Company.
Alleghany Iron Company.
Buena Vista Fire Clay Company.
Bedford City Creamery.
Buchanan Brick and Tile Works.
Bland Court-House Co-Operative Stock Company.
Bellevue Land and Improvement Company.
Brook Land Company.
Big Stone Post Publishing Company.
Blackstone Milling and Manufacturing Company.
R. Lee Broun Tobacco Company.
Botetourt Telephone Company.
Berkley Land and Title Guarantee Company.
Belmont Land Company (Charlottesville).
Building Association J. N. O. U. A. of Richmond, Virginia.
Berkley Investment Company.
Basic City Hardware Company.

Bristol Ice and Cold Storage Company.
Big Ax Coal, Coke and Iron Company.
Blue Ridge Realty Company.
Basic Lumber and Coal Company.
Bank of Lawrenceville.
Basic City Match Company.
The J. P. Bell Company.
Barbour Buggy Company.
Basic City Car Works Company.
Bank of New Castle.
Buena Vista Building and Investment Company (amendment).
Bridgwater Mineral, Land and Improvement Company.
Bank of Graham.
Bristol Investment Company.
Buchanan Investment Company.
Beall Investment Company.
Buena Vista Glass Company.
Berryville Water Company.
Bristol Gas, Electric Light and Power Company.
Berryville Land and Improvement Company.
Big Stone Gap Central Land Company.
Buena Vista Loan and Trust Company.
Buchanan Agricultural Implement Company.
Boston Developing Company.
Bessemer Building and Loan Association.
Buena Vista Land Company of Roanoke.
Baltimore Banking and Building Company.
Big Island Land and Improvement Company.
Basic City School Desk and Furniture Manufacturing Company.
Berryville Investment Company.
Buena Vista Steel Company.
Big Stone Gap Building and Investment Company.
Building Exchange of Norfolk.
Basic City Investment Company.
Battery Park Improvement Company.
Bridgwater Investment Company.
Buchanan Drug Company.
Beverley Club of Staunton.
Bear Lithia Water Company. (Amendment.)
Basic City Bank.
Bentonville Mining and Development Company.
Bedford City Development Company.
Bedford Park Land Company.
Buena Vista Casmere Mills.
Bedford Real Estate Company.
Buena Vista Guarantee A. T. and L. Company.
Bicycle Insurance Company.
Business Man's Protective Union.
Burkeville Town Land Company.
Bristol Investment Company.
Basic City Mining, Manufacturing and Land Company.

Belle View Land Company.
Bohle Cigarette Machine Company. (Amendment.)
Beckley Marble Development Company.
Bessemer Seat and Body Company.
Buena Vista Improvement Company. (Amendment.)
Botetourt Brick Company.
Buena Vista Realty Company.
Baughman Stationery Company.
Bank of Salem.
Blackstone Warehouse Company.
Bank of Mecklenburg. (Amendment.)
Bath Iron and Timber Company.
Baltimore Investment Company.
Bridgewater Carriage Company. (Amendment.)
Bealeton Cheese Manufacturing Company.
Berkeley Mercantile Company, No. 1.
Big Stone Gap Grate and Mantel Company.
Bank of Buena Vista.
Buena Vista Banking Company.
Buena Vista Building and Investment Company. (Amendment.)
Bank of Iron Gate.
Bear Lithia Development Company.
Bank of Blacksburg.
Buchanan Steel Works.
Builders' Exchange Improvement Company.
Bessemer Brick and Tile Company.
Bank of Richlands.
Buchanan Wood Manufacturing Company.
Bank of Estillville. (Amendment.)
Confederate Memorial Literary Society.
Cleveland Land and Improvement Company.
Clarkton Land Company.
Cloverdale Iron and Land Company.
Crewe Land and Improvement Company.
Culpeper and Madison Telephone Company.
Chesapeake Land Company.
Clarksville Company.
Central Land Company (Harrisonburg).
Co-operative Land Company.
Carter Machine Company.
Clifton Forge Woolen Mills Company.
Clifton Forge Mining and Development Company. (Amendment.)
Clark Lot Company.
Crosier Investment Company.
Cleland Machine Works.
Capital Trust Company.
City Investment Company (Alexandria).
Central Land Company of Newport News.
Carson Lime Company.
Consolidated Beneficial and Building Association.
Chr. Heinrich Brewing Company.

Clifton Forge Lumber and Building Association.
Chadwick Two-Wheeler Company.
Chesapeake and Ohio Development Company. (Amendment.)
Calona Land Company.
Central Land Company.
Central Banking and Building Company.
Covington Investment Company.
Clifton Forge Publishing Company.
Camden Company.
Chatham Tobacco Company.
Clifton Forge Electric Light and Power Company.
Commercial Building Association.
Culpeper Development Company.
Chapel Grove Cornet Band.
Carolina Brown Stone Company.
Carolina Investment Company.
Cornwall Building Company.
Chancellorsville Battlefield Association.
Covington Improvement Company. (Amendment.)
Citizens' Building and Investment Company.
Central Land Company.
Clifton Forge Banking and Construction Company.
Collins Automatic Car Coupler Company.
Crewe Manufacturing Company.
Construction and Loan Company of West Clifton Forge.
Chesapeake and Columbia Investment Company.
Central Investment Company (Botetourt).
Co-operative Investment Association of Richmond.
Commonwealth Realty Company.
Chesapeake and Ohio Land Improvement Company.
Craig City Improvement Company (amendment).
Capital trust Company.
Craig Valley Company.
Columbia Land Company (Roanoke).
Chamoni Land and Improvement Company.
Columbia Roll Paper Holder and Cutter Company.
Cameron Tobacco Company.
Central Land and Improvement Company.
Citizens Security Investment Company.
Central City Real Estate Exchange.
Currituck Inlet Club.
Chase City Mineral Water and Development Company.
Central Land Company (Norfolk).
Central Land Company (Suffolk).
Cobbs' Island Company.
Crescent Horse-Shoe and Iron Company.
Chiswell Improvement Company.
Charlottesville Land Company.
Creston Land Company (Salem).
Clinch Valley Coal and Coke Company.
Commonwealth Land Company.

Co-operative Warehouse Company.
Covington Machine Works.
Consumers' Phosphate Company.
Creedmore Shooting Club.
Crane's Nest Coal and Iron Company. (Amendment.)
Coeburn Land and Improvement Company.
Columbia Mining and Land Company.
Development Company of Charlottesville.
Dr. Taylor's Specialties Company.
Dwelling Improvement Company.
Danville Iron and Machine Works.
Danville Mill Company.
Danville Street Car Company.
Duval Engine Company.
Danville and Southwest Construction Company.
Dowden Drug and Chemical Company.
Diamond Ice Company.
Danville and East Tennessee Telegraph Company.
Daily News Printing Company.
Dominion Construction and Improvement Company.
Danville Military Institute.
Dun Coal Land Company.
Diamond Ice Company. (Amendment.)
Dayton Cemetery Company.
Deal's Island Fishing Club.
Enterprise Cheese and Milk Company.
East Manchester Land and Improvement Company.
Eastern Branch Improvement Company.
East End Land Company (South Boston.)
Enterprise Baking Company. (Amendment.)
Erwin Land and Iron Company.
East Suffolk Land Company.
East Norfolk Land and Improvement Company.
Elliott's Knob Iron, Steel and Coal Company.
Elite Pleasure Club.
East View Cemetery and Improvement Company.
Everett Waddey Company.
Excelsior Pressed Brick Company.
Elevated Plateau Land Company.
East Virginia Land and Improvement Company.
East End Land Company.
East Roanoke Loan, Trust and Investment Company.
East Hampton Development Company.
Equity Building Company.
Elkton Building Company.
Eastern and Western Industrial Company.
East Lynchburg and James River Development Company.
Elizabeth Land and Improvement Company.
Elkton Improvement Company. (Amendment.)
Eastern Shore Herald Printing and Publishing Company.
Equality Bond Association.

Exchange and Deposit Bank of Tacoma.
Enterprise Publishing Company.
Eigenbrun Company.
Enterprise Manufacturing Company.
Elliston Development Company.
Elliston Machine Works.
East-End Land Improvement Company.
Equitable Endowment Association.
George A. Endley Company.
Enterprise Building and Investment Company.
Elkton Milling Company.
Electric Safety Wire Suspension Company.
Emerald Land and Improvement Company.
Elkton Cutlery Company.
Edward Corbett Company.
Elkton Abstract Company.
E. T. Shortt Furniture Company.
Eldorado Mining, Manufacturing and Improvement Company.
Elkton Canning and Evaporating Company.
Equitable Endowment Association.
Front Royal and Riverton Improvement Company.
Fidelity Investment Company.
Forney Mining Company.
Flynn Wagon Manufacturing Company.
Fidelity Improvement Company.
Fincastle Stone and Marble Company.
Franklin Academy Company.
Fostoria Land and Improvement Company.
Fredericksburg Social Club.
Front Royal Investment Company.
Farmers' Alliance Business Association of Fredericksburg (limited).
Fredericksburg Development Company.
Fidelity Building and Loan Association, of Washington, D. C.
Farmville Coal and Iron Company.
Fitzgerald Patent Plaster Company.
Farmers' Milling Company.
Fairmont Land Company.
Farmville Herald Publishing Company.
Franklin Brass Company.
Frick Company. (Foreign).
Farmville Lithia Hotel Company.
Farmers' Alliance Merchants' Association.
First Shiloh Benevolent Society.
Fincastle Land and Improvement Company.
Fidelity Building and Loan Association.
Forest Land Company.
Farmers' Alliance Co-operating Company.
Fairview Land and Improvement Company.
Frostburg Real Estate and Improvement Company.
Government Official Investment Company.
Graham Building Company.

Graham Publishing Company.
Gaston Mineral Company.
Gladville Milling Company.
Goshen Rolling Mill Company.
Graham Link Land and Improvement Company.
Goshen City Brick Manufacturing Company.
Goshen Investment Company.
Guarantee Title and Investment Company.
Gordon Land Company.
Glasgow Masonic Temple Association.
Goshen Car and Railway Equipment Company.
Goshen Central Construction and Investment Company.
Gloucester Land and Brick Company.
German-American Banking and Building Company.
Glasgow Rolling Mill Company.
Granite Land and Improvement Company.
Gate City Brick Company.
German News Company of Virginia.
Graham Foundry Machine Company.
Glasgow Development Company.
Gloucester Industrial High School.
Golden Block Land Company.
Grand Fathers' Remedy Company.
Great Southern Stove Company.
Grand United Lodge Knights of Pythias of Virginia.
George A. Endly Company.
Goshen Building Company.
Grottos Investment Company.
Gayton Brick Company.
Gay & Lorraine Company.
Gordon Building Company.
Guinea Alliance Supply Company.
Grove Land Company.
Harrisonburg Steam Pottery Company.
Harrisonburg Mining and Development Company (amendment).
Harrisonburg Land and Improvement Company (amendment).
Highland Park Company.
Home Investment Company (Buena Vista).
Hart's Bottom Land and Loan Company.
Home Investment Company (Roanoke.)
Home Investment (Salem).
Home Conveyance Company.
Hobbie Music Company.
Humbert Nut Lock Company.
Home Building and Loan Association.
Home Building and Conveyance Company.
Hampton Peninsula Land and Improvement Company.
Halifax Plaining Mills Company.
Hydraulic Packing Company.
Harrisonburg Building and Loan and Trust Company.
Helena Club.
Hubble Electric Light and Power Company of the District of Columbia.

Harrison Electric Light Company.
Harbough Veterinary Remedy Company.
Highland Terrace Land Company.
Hill City Investment Company.
Hamilton Park Company.
Howard's Grove Development Company.
H. Webster Commercial Real Estate Company.
Harrisonburg Shoe Manufacturing Company.
Hotel Burton.
Halifax Farmers' Alliance Manufacturing Company.
Health Restoration Company.
Holstien Investment Company.
Henrico Land and Improvement Company.
The W. H. Houghton Company.
Home Building and Loan Association.
Hollywood Memorial Association.
Hill City Economy Freezer Company.
Harrisonburg Shoe Company.
Iron Belt Building and Loan Association (Roanoke).
Independent Investment Company.
Improved Window Shutter and Awning Company.
Ivanhoe Building Association.
Irish Creek Mineral and Development Company.
Investment Company of Norfolk, Virginia.
Inter-State Mining and Insurance Company.
Intermont Mining and Manufacturing Company.
Inside Property Company.
Inside Land Company of Newport News.
Inter-State Banking and Trust Company.
Ivy Hill Cemetery.
James S. Simmons Real Estate Company.
Jefferson Park Hotel and Land Improvement Company.
James River Investment Company.
J. P. Bell Company.
John R. Dickey Drug Company.
Jefferson Park Hotel and Land Company (amendment).
Johnston Safe Automatic Electric Company.
J. Wright Company.
James River Steel and Iron Company.
Jefferson Land Company.
Jackson Brick and Tile Company.
Kasey Tobacco Caser Company.
Kanawha Investment Company.
Kate Field's Washington.
Kentucky Coal and Coke Company.
Lynchburg Pulp and Paper Company.
Locust Hill Gold Mining Company.
Lambert's Point Company.
Leesburg Rock Spring Park Company.
Lambert's Point Land Company.
Lynchburg Trust Company.

Lynchburg Iron Company.
Lisburn Land Company of Richmond.
Liberty Iron Company.
Luray Manufacturing Company.
Lynchburg Shoe Manufacturing Company.
Leader-Democrat Publishing Company.
Lynchburg Trust Company (amendment).
Laurenceville Land and Improvement Company.
Lexington and Front Royal Investment Company.
Louisa Investment Company.
Land Investment Company.
Lexington Development Company.
Luray Artistic Wood Company.
Lambert's Point Land and Development Company.
Lambert's Point Developing Company.
Lambert's Point Company of Norfolk.
Lambert's Point Water Front Company.
Lake Shore Company of Suffolk.
Lambert's Point Central Land Company.
Lambert's Point Investment Company.
Lynnhaven Syndicate.
Lambert's Point Building and Conveyance Company.
Lexington and Stanley Investment Company.
Lakeview Cemetery Company.
Lexington Building Company.
Lee Club and Benevolent Society.
Lambert's Point Knitting Mill.
Lynchburg Building Company.
Leemount Land and Development Company.
Lexington Chair Factory.
Leet Lumber Company.
Metal Clad Building Company.
Mountain Park Association.
Marion Marble and Mineral Company.
Maryland Real Estate and Investment Company.
Mitchell Manufacturing Company.
Monteiro Land and Residence Company.
Mari Egg-Crate Company.
Mutual Building and Annuity Company.
Morris-Dillard Hardware Company.
Mechanics' Home Land Company.
Messiah Association of Richmond.
Middle Shendon Land Company.
Murray Hill Land Company.
McKay Plant Setter Manufacturing Company.
Monitor Steam Generator Manufacturing Company.
Mount Massanetta and Shenandoah Valley Mining, Manufacturing
and Insurance Company.
Mechanics' Mutual Aid Investment Company.
Melrose Land and Improvement Company of Manchester, Virginia.
Miller Investment Company.

Martinsville West End Land Company.
Max Meadows Building Company.
Max Meadows Investment Company.
Middletown Carriage Company.
Manassas Improvement Company.
Metropolitan Electric Company.
Maryland Tack Company.
Magee Tobacco Company.
Montrose Park Company.
Martin's Point Gun Club. (Amendment.)
Max Meadows Manufacturing Company.
Martinsville West End Land Company. (Amendment.)
Montague's Heights Land Improvement Company.
Manchester Mercantile and Transportation Company.
Mineral City Construction and Investment Company.
Manchester Tobacco Company.
Mount Vernon Villa Company.
Magnolia Land and Building Company.
Metal and Paper Stock Company.
Mountain Lake Land Company.
Mason Park Land Company.
Max Meadows Water and Light Company.
Mutual Protective Association.
Mutual Loan and Trust Company.
Mountain View Cemetery Company.
Mountain Land and Improvement Company. (Amendment.)
Manchester Preserving, Pickling and Canning Company.
Mayo's Bridge and Land Company.
Massanetta Park Company.
Manassas Panorama Company.
McQuail Coal and Coke Company.
Markham Creamery Company.
Montgomery Club.
North Side Viaduct Company.
National Investment Company.
Norfolk Company.
Northwest Alexandria Improvement Company.
North Danville Land and Improvement Company.
National Mining and Lumbering Company.
New River Land and Improvement Company.
Norfolk Terminal Land Company.
New Castle Building and Loan Association.
New York Electrical Device Company.
Natural Bridge Park Association.
Norfolk Water Front Development Company.
Norfolk and Lambert's Point Land Company.
Norfolk Manufacturing Company.
Norfolk Investment Company.
Norfolk Milling Company.
North Norfolk Company.
Northwest Land Company (Roanoke).

Norfolk Suburban Land Company.
New's Ferry Lithia Water Company.
North Newport News Improvement Company.
Northside Land Company. (Amendment.)
National Capitol Brewing Company.
National Investment Company.
Norfolk Rollerton Company.
Norfolk Industrial Development Company.
North Roanoke Land and Improvement Company.
New Castle Hardware and Manufacturing Company.
Newport News Developing and Promoting Company.
Newport News Mutual Investment Company.
Newport News Land and Development Company.
Newport News Light and Water Company. (Amendment.)
Newport News, Hampton and Old Point Development Company.
Newport News Land and Development Company. (Amendment.)
Newport News, Hampton and Old Point Development Company.
Northwest Buena Vista Building and Improvement Company.
Norfolk and Eastern Investment Company.
Northeast Norfolk Land Company.
Norfolk Developing Company.
National Insurance Bond Company.
Norfolk-Elizabeth Land Company.
New Norfolk Company.
North Buena Vista Company.
National Base-Ball Club of Washington.
Norfolk-Virginia Peanut Company.
Northwest Eckington Insurance Company.
Newport News Ice Company.
Newport News Land Company.
New Era League.
Norfolk Supply Company.
Norfolk News and Courier Company.
Norfolk Brick Company.
Norfolk and Pulaski Land Company.
North Danville Warehouse Company.
North Bristol Land Company.
Norwich Lock Manufacturing Company.
New National Brick Company.
News Publishing Company.
Newport News Bar Association.
Norfolk Building and Improvement Company.
National Electric Company, of Washington, D. C.
Old Dominion Loan and Building Association.
Odd Fellows Association of Petersburg. (Amendment.)
Old Dominion Brick and Tile Manufacturing Company.
Order of Galileans of Berryville.
Old Dominion Investment Company.
Oakland Improvement Company.
Owens Automatic Signal Company.
Old Point Villa Site Company.

Oremont Iron and Coal Company.
Orange Belle Cheese Company.
Odd Fellows Building Association.
Old Dominion Brick Company.
Owl Club.
People's Building Company (Norfolk).
Pennington Gap Improvement Company.
Port Norfolk Land Company.
Pulaski Lumber Company.
Prudential Investment Company.
Parkersburg Refrigerator Company.
Pittsylvania Land Company.
Parr Diamond Saw Company of New York.
Park Place Land Company (Danville).
Powhatan Land and Mining Company.
Piedmont Investment Company.
Paper Fabrique Company.
Pulaski Carriage and Buggy Manufacturing Company.
People's Building and Loan Association of Hampton.
Piedmont Manufacturing Company, of Orange county, Virginia.
Palisades of the Potomac Land and Improvement Company.
Perpetual Investment, Construction and Deposit Company.
Petersburg District Alliance Exchange Company (limited).
Portsmouth and Norfolk Investment Company.
People's Gas Savings Association of the District of Columbia.
Perpetual Investment, Construction and Deposit Company. (Amendment.)
Producers' Dairy Company of Washington, District of Columbia.
Premium Building and Investment Company.
Pittsburg Development Company. (Amendment.)
Piedmont Club (Lynchburg).
Phoenix Land and Improvement Company.
Patrick County Bank.
Paconian Springs Company. (Amendment.)
Pleasant Valley Land Company.
Piedmont Land and Improvement Company.
Passapotanzu Club.
Pennsylvania Investment Company of Virginia.
Princess Iron Company.
Pocahontas and Greenbrier Investment Company.
Planters' and Merchants' Bank. (Amendment.)
Powell Real Estate Investment Company.
Palace City B., I. and B. Company.
E. T. Pilkinton Company.
Pocahontas Land Company.
Pulaski Milling Company.
Progress Engine and Machine Works.
Pittsylvania Central Alliance Trade Union.
Pulaski Rolling Mills Company.
Peninsula Investment Company.
People's American League.

Perpetual Investment, Construction and Deposit Company. (Amendment.)
Pittsburg, Chicago and Roanoke Investment and Development Company.
Petersburg Southside Addition Land and Improvement Company.
Perpetual Building and Loan Association of Buena Vista.
People's Washington and Norfolk Steamboat Company.
People's Gas Saving Association of Baltimore, Maryland.
Pulaski Building and Investment Company.
Price, Reid and Adams (limited).
Prospect Heights Land Company.
Pocahontas Investment Company.
People's Gas Saving Company of America.
Pamunky Steam Navigating Company.
Parkersburg Investment Company.
Richmond-Bristol Land Company.
Roanoke Stock Exchange.
Richlands Building Company.
Roanoke Savings Bank.
Radford Publishing Company.
Rockland Milling Company.
Richlands Bank.
Richmond Sash Holder Company.
Retreat for the Sick.
Roanoke Development Company.
Roanoke Real Estate Company.
Randolph Investment Company.
Roanoke Cold Storage Company.
Riverview Land Company.
Rock Creek Company.
Rosney Iron and Lumber Company.
Rockbridge Alum Company.
Reed River Land Company.
Roanoke Water Power and Land Company.
River Front Land Company of Norfolk, Virginia
Reed Island Boom Land and Lumber Company.
R. Lee Broun Tobacco Company.
Richland Land and Improvement Company.
Roanoke Times Publishing Company.
Roanoke Development and Guarantee Company.
Roanoke Building Stone and Paving Company.
Roanoke Real Estate Syndicate.
Rarig, The Alexander K. Company.
Raphine Land and Improvement Company.
Riverside Land Company of Buchanan.
Roanoke Banking and Investment Company.
Richmond Standard Spike and Iron Company.
Riverview Land and Investment Company (Suffolk).
Richlands Water, Electric Light, Gas and Power Company.
Richmond and Harrisonburg Land and Improvement Company.
Richmond Building, Loan, Abstract and Title Association.

Richmond and Harrisonburg Land Company. (Amendment.)
Rivermont Investment and Construction Company.
Roanoke and Salem Building and Construction Company.
Riverside Development Company of North Danville.
Richmond Ice Company. (Amendment.)
Redford Arsenic-Chalybeate Springs Company.
Rio Milling and Manufacturing Company.
Riverview Land Company (Rockbridge county).
Roanoke and Botetourt Construction Company.
Richmond Hardware Manufacturing Company.
Roanoke City Lodge, No. 3225, G. U. O. O. F.
Riciniate Fire-Proofing Company of Virginia.
Rocky Mount Land and Trust Company.
Radford Investment and Building Company.
Richmond Ag. Improvement Company.
Riverside Cotton Mills. (Amendment.)
Rockbridge Investment Company.
Rivermont Company. (Amendment.)
Roanoke Academy of Music.
Riverton Baking Company.
Roanoke Commercial Club.
Roanoke Drug Company.
Riverside Land Company.
Radford Lumber Company.
Richmond Cedar Works.
Riverside Land Company.
Royal Building Company.
Richmond Wood Company.
The Roanoke Hospital.
Richmond China Company.
Roanoke Ice Company.
Reubush Keiffer Company.
Ragged Island Gunning Association.
Ramona Land Company.
Roanoke Granite Company.
Rocky Mount Granite Company.
Roanoke Commercial Association.
Steele Lot Company.
Southern Brokerage and Supply Company.
Suffolk Land and Improvement Company.
St. Paul Land Investment Company.
Salem Building Company.
Stanly Furnace and Land Company.
J. S. Simmons Real Estate Company.
Staunton Building Company.
Spring Lake Park Company.
Salem Building and Investment Company.
Salem Development Company. (Amendment.)
Salem Gas, Heater and Manufacturing Company.
Salem Loan and Real Estate Investment Company.
Strasburg Stone and Earthenware Manufacturing Company.

Surry Alliance Peanut Company. (Amendment.)
Southwest Virginia Marble Development Company.
Staunton Terra-Cotta and Fire-Brick Company.
Salem-Buchanan Investment Company.
Standard Gold Mining and Manufacturing Company.
Studebaker Brothers Manufacturing Company.
Standard Phosphate, Mining and Chemical Company.
Shendun Investment and Banking Company
South Glasgow Cement and Development Company.
Shenandoah Building and Improvement Company.
Shenandoah County Building and Loan Association.
Security Land and Loan Company.
South River Mining and Land Company of Basic City.
Southwestern Improvement and Trust Company.
South Stanly Land and Improvement Company.
Salem Building and Investment Company.
Seaboard Land and Investment Company.
Staunton Steam Roller Mills Company.
Strausburg Land and Improvement Company.
Southern Loan and Investment Company.
Saltville Development Company.
State Investment Company of Norfolk.
Shenandoah Investment Company.
South Border Investment Company.
Staunton Publishing Company.
Southern Horse and Mule Shoe Company.
Sons and Daughters of Love Association.
Southwestern Development Company.
Security Investment Company.
Southern Cab Company.
Styron Fence Company.
Seward Tin-Works Company.
Southern Investment Company.
State Investment Company.
Standard Mineral Land Company.
Spring Lake Park Company.
State Savings Bank of Roanoke.
South Norfolk Development Company.
Southern Finance Company.
Suffolk Street Railway Company.
Southern Trust Company.
Southern Flour Company.
Staunton Hotel Company.
Stonewall Investment Company.
Strafford Company.
Sons of Enoch.
S. Galeski Optical Company.
Southside Land Company.
Security Banking System.
Smithfield Alliance Company.
Safety Land Company.

South Birmingham Coal and Iron Company. (Amendment.)
Shenandoah Furniture Manufacturing Company.
Shendun Improvement and Construction Company.
Sturdevan French Manufacturing Company.
Sunny South Wood Manufacturing Company.
Southern Branch Development Company.
Southern Finance Company. (Amendment.)
Southern Branch Investment Company.
Suffolk Fair and Agricultural Association.
Southern Branch Improvement Company.
Screwman's Progressive Union, No. 1.
Shortt Furniture Company.
Suburban Home Land Company.
Shenandoah Water Company.
Southern Land Company.
Staunton Wood Mantel Company
E. H. Steward Furniture Company.
Staunton Savings Bank.
Standard Brick Company.
Salem Electric Light Company.
Sheltering Arms Hospital.
Sherward Land Company.
Southampton Lumber Company.
Strasburg Steam Flouring Mills.
Scottish Rite Association.
Savage Mountain Brick Company.
Staunton Real Estate Company.
Salem Rolling Mills.
Smith-Courtney Company.
Steelton Company.
Sterling Investment Company.
Southern Fire Brick Works.
Terry Building Company.
Taylor's Specialty Company.
Traylor Electric Company.
Travelers' Head Rest Company.
Twin City Iron Company.
Thill Coupling Company.
Tide-water Investment Company.
Taylor and Bolling Company.
Tazewell Investment Company.
Tennava Club.
Tobacco Hangers' Manufacturing Company.
Townsend Hoopes Manufacturing Company.
Terminal Improvement Company of West Point.
Tide-water Perpetual Building and Loan Association.
Timberville Land and Improvement Company.
United States Chemical Works Company.
Union Land Company.
University Pharmaceutical Company.
Universal Long Filler Cigarette Company.

United Investment Company.
Union Investment Company.
U. S. Grant Lodge, No. 2672.
United Banking and Building Company. (Amendment.)
United States Building and Loan Association.
United Relief Beneficial and Endowment Association
United States Patent Guarantee Company.
Virginia Live Stock and Dressed Meat Company.
Virginia Power, Light and Construction Company.
Virginia Mining and Investment Company.
Virginia Valley Land and Improvement Company.
Virginia Manufacturing Company.
Virginia and North Carolina Copper Company.
Virginia Investment Company. (Amendment.)
Virginia Investment and Banking Company.
Virginia and Carolina Heat and Light Company.
Virginia-Florida Phosphate Company.
Virginia Iron and Railway Company.
Virginia Tin Mining and Smelting Company.
Virginia Mantel and Grate Company.
Virginia Investment and Development Company.
Virginia Finance Company. (Amendment.)
Valley Engine and Machine Company.
Virginia Agricultural Development Company.
Valley Investment and Improvement Company.
Virginia and Kentucky Coal and Mining Company.
Virginia Brick Company. (Amendment.)
Virginia Knitting Mills Company.
Virginia Investment Company of Staunton.
Virginia Steel, Iron and Slate Company.
Virginia Pottery Company.
Virginia Heat and Power Company.
Virginia Car Company. (Amendment.)
Vinton Development Company.
Virginia Blanket Mills Company.
Virginia Pyrites Mining Company.
Vinton Real Estate Company.
Virginia Stock Exchange.
Virginia Ice Company.
Virginia Finance Company.
Virginia Brown Stone Company.
Virginia Building Company.
Vinton Investment Company.
Valley Investment Company.
Virginia Investment Company.
Valley Investment Company.
Virginia Land Company.
Virginia Car Company.
Virginia Mechanics Institute.
Virginia Tanning Company.
Virginia Investment Association.

Valley Investment Company.
Washington City and Staunton Building and Investment Company.
Waynesboro' and Basic City Building and Loan Association.
Winchester Co-operative Building Association.
West Shenandoah Land Company. (Amendment.)
Warrenton Perpetual Building and Loan Association.
West Lynchburg Furniture Company.
Wytheville Builders' Supply Manufacturing Company.
Waynesboro' and Basic City Improvement Company.
Washington Ricinate Fire-Proofing Company.
Wingo, Ellett & Crump Shoe Company.
Warm Springs Valley Company. (Amendment.)
Waddill Railway Electric Signal Company.
West End Park Loan and Trust Company.
West End Land Company (Front Royal).
West Clifton Forge Investment Company.
Washington Club Land Company.
West Radford Land and Improvement Company.
Western Branch Building and Loan Association.
West Ivanhoe Land and Improvement Company.
Workingman's Land and Improvement Company.
West Front Royal Development Company.
West Staunton Land Addition Company.
Waynesboro' and Basic City Land Company.
Washington Real Estate Company. (Amendment.)
Wytheville Hedge and Wire Fence Company.
Winchester Co-operative Building Association.
The J. Wright Company.
W. H. Houghton Company.
Washington Mortar Company.
Wytheville Street Railway Company.
Wytheville Basic Association.
Woodcock Iron Works Company.
Windsor Coffin Company.
Westmoreland Stock Association.
W. D. Reynolds Company.
Wall Land Company.
West Shenandoah Land Company.
West End Real Estate Company.
Withrow Lumber Company.
West Portsmouth Land Company.
Williams Ink Company.
Woodland Park Land Company.
West Radford Company.
Woodburn Company.
Wall Street Investment Company.
Whaley & Miner Lumber Company.
West Atlantic City Land Company.
Williamsburg Club.
Willow Spring Land Company.
West End Land Company.

Washington and Roanoke Land and Improvement Company.
Washington Commission and Investment Company.
West Stanley Loan and Improvement Company.
Waynesboro Building and Investment Company.
West End News.
West Manchester Land Company.
West Iron Gate Land Company.
Washington Investment Company.
West Lexington Land Company.
Waynesboro' Stove Company.
Young Men's Christian Association.
York Steel and Iron Company.
Young Men's Building and Loan Association.
Young Men's Christian Association of Salem, Va.
A. J. Sweeny & Sons
Acquia Creek Stone Company.
American Fuel and Heater Company.
Asbury Hotel Company.
Alleghany Iron Company.
Alleghany Trading Company.
Basic City Car Works. (Amendment.)
Bankers' Loan and Investment Company.
Basic City Iron Works.
Bohemian Club.
Blue Ridge Mineral Company.
Bureau of Credits.
Bradshaw Lumber Company.
Bank of Smithfield.
Bay Lumber Company.
Bull Run Coal and Iron Development Company.
Big Lick Investment Company of Roanoke, Va.
Blackstone Land and Improvement Company.
Blackstone Land and Improvement Company. (Amendment.)
Bristol Hardware Company.
Burkeville Granite Company.
Business Man's Protective Union. (Amendment.)
Buckley Fire Escape Company.
Berkley Market and Stock Yard Company.
Building Company of Roanoke.
Belle Haven Mannerchoir Club.
Blue Ridge Building and Investment Company.
Bellfield Manufacturing Company.
Buckley Hebrew Cemetery Association.
Citizens and Marine Bank.
Chase and Slater Land and Claim Company.
Consolidated Investment Company.
Capital Syndicate Company.
Colored Y. M. C. A. of Lynchburg.
Consolidated Benefit Association of Portsmouth.
Chase City Mineral Water and Development Company.
City Point Land Improvement and Development Company.

Carper Spark and Conductor Company. (Amendment.)
Chesterfield Heights Land Company of Petersburg.
Columbia Cement and Building Material Company.
Commonwealth Building and Loan Association.
Clifton Forge Ice and Refrigerating Company.
Columbia Building Material Company.
Chestnut Ridge Cemetery Association.
Chicago Town Company.
Citizens Bank of Blackstone.
Consolidated Quarry Company.
Cross Manufacturing Company.
Consolidated Building Company.
Continental Development Company.
Cabell-Graves Camp.
Cummer Company.
Claremont Land Association.
Crystal Springs Land Company.
Cushman Iron Company.
Cotton Bag Company.
Crescent Iron Company.
C. F. Sauer Company.
Crescent Club.
Clifton Forge Assurance Company.
Clifton Forge Grocery Company.
Danville Brick Company.
Davis Shoe Manufacturing Company.
Davis Boot and Shoe Company.
Drewryville Lumber Company.
Duckworth Association.
Danville Land Company.
Danville and North Danville Mercantile and Manufacturing Company.
Doe Mountain Mining and Improvement Company.
DePrenyal Economizing Gas Ranger Manufacturing Company.
E. F. Brooks Electric Light and Gas Fixture Company.
Enterprise Mills and Construction Company.
Equity Improvement Company. (Amendment.)
Elkton Cutlery Company. (Amendment.)
Elk River Land and Lumber Company.
Ebenezer Benevolent Society.
Exchange Building Company.
East Side Land Company.
Electric Construction Company.
Evergreen Cemetery Company.
Equitable Investment Company.
East Side Land Company, Richmond.
Etherridge Lumber Company.
Espanola Club.
Forest Hill Park Land Company.
Franklin Press Company.
Freeman Jewelry Company.
Fairmont Land Company. (Amendment.)

Fidelity Building and Loan Company of Washington, D. C.
Grafton Hall Stock Company.
Goshen Investment Company.
Grand Lodge of the Knights of Damon of Virginia.
Gwathney-Bunkley Peanut Company.
Greenwood Mineral Association.
Green Forest Company.
Greeno-Bodun Coal Company.
Gedney & Roberts.
Good Samaritan Hall Company.
G. A. Wallace Brokerage Company.
Graham Foundry and Machine Company.
Glens Falls Land company.
Holt Improved Water Filtering Company.
Highland Investment Company.
Home Ice and Coal Company.
Hockman Manufacturing Company.
Hume-Minor Company.
Highland Building and Loan Company of Newport News. (Amendment.)
Harrisonburg Mercantile Company.
Holston Woolen Company.
Hurst Ordnance Company.
Hasker and Marcuse Manufacturing Company.
Hillsville Co-operative Store Company.
Halifax Publishing Company.
Henry County Alliance Warehouse.
Hasker and Marcuse Manufacturing Company. (Amendment.)
Hydraulic Engineering and Manufacturing Company.
Home Building and Investment Company.
H. M. Moses Company.
Harris Dillard Hardware Company.
Iron Belt Building and Loan Association.
Iron Gate Land and Improvement Company. (Amendment.)
Iron Cross Investment Company.
Inter-state Press Association.
Italian Benevolent Society, Fraternal Union, &c.
Janette Land Company. (Amendment.)
James River Steel Company.
James River Transportation Company.
J. W. Fuqua Lumber Company.
Jacksondale Canning Company.
Kinckle Shoe Company.
King Mining Company.
Lathrop Mining and Reduction Company.
Langly Hall Company.
Literary and Social Club.
Lexington Quarry Company.
Lowenberg Knitting Company.
Lincoln National Building and Loan Association.
Look and Lincoln Company.

Lithamow Milling Company.
Lexington and Front Royal Improvement Company.
Lithamore Milling Company.
Long Creek Company.
Land and River Improvement Company.
Leader Publishing Company.
Lambert's Point Syndicate.
Lynchburg Construction Company.
Logan County Coal and Coke Company.
Middle Street Land Company.
Morotock Insurance Company.
Montgomery Female College.
Manchester Oil and Paint Company.
Mutual Building and Investment Company.
Mount Carmel Co-operative Company.
Monticello Soapstone Slate Company. (Amendment.)
Merrimac Club.
McLackler and Batchelder.
Mount Vernon Aid Society.
Mercantile Railway and Building Association.
Mercer County Development Company.
Monumental Insurance Company.
Mount Horeb Cemetery Company.
N. Hockman Manufacturing Company.
Newport News Company.
New York Building and Improvement Company.
Norton Building Company.
Norfolk and Portsmouth Cotton Terminal Company.
Norfolk Building and Investment Company. (Amendment.)
North Carolina Dressed Lumber Company.
National Mortar Company.
Newport News National Loan and Building Company.
New York Electric Device Company. (Amendment.)
Nottingham and Wrenn Company
Newsom Lumber Company.
Newport News Villa Site Company.
National Soap and Chemical Works.
Newport News Building Company.
New Lansdowne Land Company. (Amendment.)
Norfolk Bottling Company.
Newcastle Academy.
National Hancock Rotary Plow Company.
North Danville Street Car and Rapid Transit Company.
National Cork Extractor Company.
Newport News, Hampton and Old Point Development Company.
Nottoway Building and Loan Association.
North Gayton Land Company.
Norfolk Lodge, 38, B. P. O. E.
Nettleton Woolen Mills.
Newport News Milling Company.
Norfolk Storage Company. (Amendment.)

Old Folk Home of the German Baptist Brethren, Second District of Virginia.

Oak Grove Alliance Mercantile Company.

Old Dominion Beneficial Association.

Old Dominion Lumber Company.

Oyster Shuckers' Union.

Old Dominion Social and Beneficial Association.

Old Dominion Mining Company.

Orkney Springs Hotel and Improvement Company.

Old Dominion Preserving Company.

Pike County Coal Company.

People's American League. (Amendment.)

Pocahontas Mills.

Petersburg Club.

Public Service Company.

Peninsula Electric Light and Power Company.

Pulaski Electric Company.

Pulaski Light and Water Company.

Pulaski News Company.

Potomac Mortar Company.

Portsmouth Wharf and Warehouse Company.

Phoenix Loan and Savings Company. (Amendment.)

Prospect Hill Company.

Pink Granite Company.

People's Industrial and Development Land Company.

Potomac Novelty Company.

Pigeon Creek Coal and Coke Company.

Rockingham Combination Slat and Wire Fence Machine Company.

Richmond Flour Company.

Radford Water, Light and Power Company.

Realty Development Company.

Rappahannock Woolen Mills Company.

Royal Water Company of Virginia.

Richmond Hydro Carbon Heater Company.

R. M. Smith Company.

Richmond Wagon Manufacturing Company.

Richmond Towing and Trans. Company.

Richmond Building, Loan, Abstract and Title Association. (Amendment.)

Roanoke Title and Conveyance Company.

Rhodes Decorating, House Painting and Wall Papering Company.

Radford Manufacturing Company.

Roanoke Notion Company.

Roanoke Granite Company.

Richmond Transfer Company.

R. S. Chew Camp, No. 2, Sons of Confederate Veterans.

Richmond Mineral and Wood Company.

Riverton Mills Company.

Rockdale Co-operation Society.

Roanoke Development and Guarantee Company. (Amendment.)

Richmond Tile and Paving Company.

Roanoke Cold Storage Company.
Sweeney A. J. & Sons.
State Grand Lodge Knights of Damon, No. 1.
South Buena Vista Land and Improvement Company.
Saverake Pressed Brick Company.
Saverake Steel and Tin Plate Company.
Staunton Investment Company.
Saverake Steel and Tin Plate Company. (Amendment.)
South Boston Farmers' Alliance Warehouse Company.
Southern Electric Company.
Spottswood Land and Mining Company.
Stonega Academy.
Spring Park Improvement Company.
Shendon Machine and Repairing Company.
Smith & Briggs Brass Works.
R. M. Smith Company.
Supreme Lodge of Good Templars.
Salem Mineral Fiber Company.
Staunton Construction Company.
Salem Gas Heater Company. (Amendment.)
Sons and Daughters of Young David, etc.
Standard Guano Company.
Southern Land Investment Company. (Amendment.)
Suffolk Tide-water Joint Stock Company.
Shields-Shelburne Tobacco and Tobacco Supply Company.
Shortt Company.
South Border Investment Company. (Amendment.)
Salem Building and Loan Company.
Shenandoah County Building and Loan Association. (Amendment.)
Safe Investment Company.
Screwman's Benevolent Association.
Southern Mutual Protective Legion.
Shenandoah Furnace Company.
Tenneva Club. (Amendment.)
Tidewater Ice Company.
Travellers Banking, Publishing and Insurance Company.
Union Hide Company.
United States Contract Company.
Universal Flour and Meal Receptacle and Sifter Company.
United States Mineral Black Paint Company.
Virginia Plastering Company.
Virginia Mutual Building and Loan Association.
Virginia City Company.
Virginia Border Alliance Mercantile and Manufacturing Company.
Virginia Construction Company.
Van Dorsten Cushioned Carrier Iron and Railway Supply Company.
Virginia Investment and Development Company.
Virginia Black Marble Company.
Virginia Industrial Mercantile Building and Loan Association.
Virginia and Tennessee World's Fair Association.
Virginia City Company. (Amendment.)

Valley Banking Company.
Van Dorsten Cushioned Carrier Iron and Railway Supply Company.
(Amendment.)
Virginia-Carolina Timber Company.
Virginia Brick Company.
Virginia Investment Company. (Amendment.)
Virginia Building, Loan and Trust Company.
Vinton Land Improvement Company. (Amendment.)
Washington Building Association and Savings Fund.
Washington-Charlottesville Construction Company.
West End Company.
Winchester Times Company.
Wytheville Builders' Supply Company.
Wytheville Woolen and Knitting Mills Company. (Amendment.)
West Point Investment Company.
Woodstock Investment Company.
Wilder Anti-Roller Company.
Wall Street Investment Company. (Amendment.)
West Norfolk Lumber Company.
Warren Sanitarium and Exeter Hotel.
Wytheville Foundry and Machine Company.
West End Land and Improvement Company.
Welsh, J. B., Furniture Company.
Waverly Peanut Company.
Washington Marble Company.
William B. West and Benjamin T. Crump Company.
Warm Springs Valley Company. (Amendment.)
Wood Drug Company.
W. P. Boshier Lumber, Manufacturing and Building Company of
Virginia.
Willoughby Spit's Hotel and Cottage Company.
Washington Ricinate Fire-Proofing Company. (Amendment.)
Young Men's Christian Association of Petersburg.

TABLES

Showing the time for the Commencement of the Regular Terms of the Supreme Court of Appeals, and of each Circuit, County, and Corporation Court.

SUPREME COURT OF APPEALS.

PLACE OF SESSION.	WHEN TERM COMMENCES.	LENGTH OF TERM.
Richmond	November 5th, January 5, and March 5th	One hundred and sixty days.*
Staunton	September 10th	Sixty days.*
Wytheville	July 10th	Sixty days.*

*Unless business sooner dispatched.

REPORT.

Synopsis of the Financial Operations of the Treasury for the fiscal year ending the 30th day of September, 1891.

On account of the Commonwealth:		
Balance on hand October 1, 1890	335,849 61	
Received in fiscal year 1890-91	2,902,424 97	
	3,238,274 58	
Disbursed in fiscal year 1890-91	2,490,013 23	
Balance on hand October 1, 1891		738,261 35
On account of Literary Fund:		
Balance on hand October 1, 1890	177,856 38	
Received in fiscal year 1890-91	345,225 20	
	523,031 58	
Disbursed in fiscal year 1890-91	417,643 05	
Balance on hand October 1, 1891		105,438 53
On account of interest on Public Debt:		
Balance on hand October 1, 1890	3,594 77	
Received in fiscal year 1890-91	373,141 32	
	376,736 09	
Disbursed in fiscal year 1890-91	369,240 55	
Balance on hand October 1, 1891		7,495 54
On account of Sinking Fund:		
Balance on hand October 1, 1890	142,603 23	
Received in fiscal year 1890-91	33,129 00	
	175,732 23	
Disbursed in fiscal year 1890-91		
Balance on hand October 1, 1891		175,732 23
On account of Miller Fund:		
Balance on hand October 1, 1890	27,422 06	
Received in fiscal year 1890-91	71,795 16	
	99,217 22	
Disbursed in fiscal year 1890-91	72,310 67	
Balance on hand October 1, 1891		26,906 55
Total balance in the Treasury October 1, 1891, to credit of several funds		1,053,834 25

GENERAL STATEMENT.

PRINCIPAL:

The amount of bonds and certificates issued under acts of February 14, 1882, and November 29, 1884, bearing 3 per cent. per annum interest is. \$9,207,063 68

Which was issued in lieu of debt surrendered (including debt surrendered by the Literary Fund), and funded as provided by said acts, as follows:

Principal	\$8,731,062 73
Interest, coupon and registered, due to and including July 1, 1882, and subsequent to and including January 1, 1883.	4,825,463 73
	<u>\$13,556,526 46</u>

Also consol coupons due January, 1883, to January, 1885, inclusive, funded under act of November 29, 1884 . . .	\$534,477 00
Ten-forty ditto	417,216 00
	<u>951,693 00</u>

Also coupons maturing subsequent to July 1, 1882, to-wit: January and July, 1883, and 1884, surrendered and funded at par in bonds issued under act of February 14, 1882, in obedience to mandamus issued September, 1884, from the United States Circuit Court for the Eastern District of Virginia:

Consol coupons	\$311,247 00
Ten-forty ditto	50,044 50
	<u>361,291 50</u>
Amount	<u>\$14,869,510 96</u>

Funded at a discount of	\$3,911,519 09
And the issue of West Virginia certificates	1,750,928 19
	<u>5,662,447 28</u>

Leaving in 3 per cent. Virginia securities	<u>\$9,207,063 68</u>
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Of the above amount of bonds and certificates issued under acts of February 14, 1882, and November 29, 1884	9,207,063 68
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There has been received in settlement of indebtedness to the State and cancelled:

From the Richmond and Danville Railroad Company	<u>\$438,899 45</u>
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From the Upper Appomattox Company	\$10,864 26	
From defaulting officers and their sureties on account of indebtedness to the State	- 144,580 87	
Total amount cancelled		\$594,344 58
		<u>\$8,612,719 10</u>

Amount held:

By the Sinking Fund of Virginia, (purchased by the commissioners of the fund, under acts of March 15 and August 25, 1884, March 6, 1886, and March 5, 1888, and out of interest on 3 per cent. bonds issued under act of February 14, 1882)	\$2,857,576 60	
There is also held by the Board of Public Works of Virginia (purchased by the Board from proceeds of sale under act of March 10, 1884, of certain lands in the town of Buchanan and the city of Richmond)	173,900 00	
And there is held by the Literary Fund of Virginia	1,820,817 28	
		\$3,852,303 88
Leaving in the hands of the public		<u>\$4,760,415 22</u>
The amount of bonds and certificates outstanding issued under acts passed prior to February 14, 1882 (the unfunded bonds reduced one-third for West Virginia's portion) is		<u>\$22,530,155 90</u>

CIRCUIT, COUNTY AND CORPORATION COURTS.

COUNTIES AND CORPORATIONS.	CIRCUIT COURTS—WHEN TERM COMMENCES.	COUNTY AND CORPORATION COURTS—MONTHLY TERMS.	COUNTY AND CORPORATION COURTS—QUARTERLY TERMS.
Accomac	1st Tuesday in April and October	Last Monday	March, May, August and November.
Albemarle	10th May, 10th October and 1st February	1st Monday	March, June, August and November.
Alexandria county	4th Monday in May, and Wednesday after 1st Monday in November	1st Monday	February, May, August and November'r.
Alexandria city	3d Monday in March and 4th Monday in September	2d Monday	January, April, July and October.
Alleghany	25th March and 25th August	1st Monday	March, June, August and November.
Amelia	10th March and September	4th Thursday	March, May, August and November.
Amherst	10th April and October	3d Monday	March, June, August and November.
Appomattox	10th June and December	Thursd'y after 1st Mon	March, May, August and November.
Augusta	May 10th and November 10th.	1st Monday	4th Monday in February, April, August and October.
Bath	April 25th and September 25th	Tuesday after 2d Mon.	March, May, August and November.
Bedford	1st Monday in March, June and October	4th Monday	4th Monday in February, May, August and November.
Bland	2d Monday in May and 1st Monday in October	Tuesday after 4th Mon	December, February, April and July.
Botetourt	23d May and 22d October	2d Monday	March, June, September and November'r.
Brunswick	January 10th, April 10th and Oct. 10th	4th Monday	March, June, August and November.
Buckingham	April 25th and October 25th	2d Monday	March, June, August and November.
Buchanan	4th Monday in February, May and September	Tuesday after 3d Mon	March, June, August and November.
Campbell	25th April and October	2d Monday	March, June, August and November.
Caroline	March 10th and September 10th	2d Monday	February, May, August and November'r.
Carroll	4th Monday in April and 1st Monday in November.	3d Monday	February, May, July and November.

CIRCUIT, COUNTY, AND CORPORATION COURTS—CONTINUED.

COUNTIES AND CORPORATIONS.	CIRCUIT COURTS—WHEN TERM COMMENCES.	COUNTY AND CORPORATION COURTS—MONTHLY TERMS.	COUNTY AND CORPORATION COURTS—QUARTERLY TERMS.
Charles City	3d Tuesday in May and November.	3d Thursday.	March, August, June and October.
Charlotte.	20th March and September.	1st Monday.	March, June, August and November.
Charlottesville	Feb. 15th, May 15th, and November 15th.	3d Monday.	Sept., December, March and June.
Chesterfield	February 1st, May 10th, and October 1st.	2d Monday.	March, June, August and November.
Clarke	15th April and 15th October.	2d Monday.	2d Monday in January, April, July and October.
Craig.	15th March, 1st June, and September 10th.	Tuesday after 1st Mon.	January, May, July and October.
Culpeper	7th May and November.	3d Monday.	February, May, July and October.
Cumberland.	January 15th and May 25th.	4th Monday.	February, May, July and October.
Danville.	2d Monday in February, May and October.	1st Monday.	January, April, July and October.
Dickenson	21st March and September.	Tuesday after 2d Mon.	January, May, August and November.
Dinwiddie	2d Tuesday in March and September.	3d Monday.	March, May, August and November.
Elizabeth City.	1st day of March and September.	Thursday after 2d Mon.	January, March, July and September.
Essex	2d Monday in June and November.	3d Monday.	March, June, August and November.
Fairfax	Tuesday after 1st Monday in September, 2d Monday in December, and Tuesday after 1st Monday in April.	3d Monday.	March, May, August and November.
Fauquier	3d May and 16th November.	4th Monday.	March, June, August and November.
Floyd.	10th April and 10th September.	2d Monday.	March, May, August and November.
Fluvanna.	May 10th and October 20th.	4th Monday.	March, May, August and November.
Franklin.	March 1st, June 1st and November 15th.	Tuesday after 3d Mon.	March, June, August and November.
Frederick.	May 10th and November 10th.	Monday before 1st Tues.	March, June, August and November.
Fredericksburg	4th Monday in May and 3d Monday in October.	1st Wd. in every month except Sept., and in Sept. 2d Wednesday.	January, April, July and October.
Giles	10th May and November.	Tuesday after 2d Mon.	March, May, August and November.
Gloucester.	1st April and September.	1st Monday.	March, May, August and November.
Goochland.		3d Monday.	March, May, August and November.

Grayson	Tuesday after 2d Monday in April, and Tuesday after 3d Monday in October.	Tuesday after 1st Mon. Wednesday after 2d Monday	February, May, July and October.
Greene	10th June and November	1st Monday	April, July, September and December.
Greeneville	January 20th, April 20th, and Oct. 20th	4th Monday	March, June, September and Decembr.
Halifax	April 1st and November 10th	3d Wednesday	4th Monday in February, June, September and November.
Hanover	April 26th and October 26th	2d Monday	February, April, July and November.
Henrico	3d Monday in January, 1st Monday in May, and 1st Monday in October	2d Monday	March, May, August and November.
Henry	June 6th and October 10th	2d Monday	March, June, August and November.
Highland	May 3d and October 3d	Tuesday after 4th Mon. 1st Monday	March, June, August and November.
Isle of Wight	20th April and October	1st Monday	March, June, August and November.
James City and city of Williamsburg, ...	2d Tuesday in May and November	2d Monday	March, June, August and October.
King George	March 30th and September 30th	1st Thursday	March, June, August and November.
King and Queen	1st Tuesday in June and December	1st Thursday	March, June, September and Decembr'r.
King William	1st April and October	4th Tuesday	April, June, July and October.
Lancaster	10th March and September	3d Monday	March, May, August and November.
Lee	1st Monday in March, June and Nov'ber tober, and 3d Monday in January	Tuesday after 1st Mon. 2d Monday	3d Monday in Jan., April, July and Oct.
Loudoun	20th March and September	2d Monday	March, June, August and November.
Louisa	17th May and November	2d Monday	March, June, August and November.
Lynchburg	10th May and 10th November	1st Monday	March, June, August and November.
Madison	20th April and September	4th Thursday	March, June, September and Decembr'r.
Manchester	22d March and September	3d Mon., except Aug. 2d Monday	February, June, August and Novembr'r.
Mathews	27th May and November	3d Monday	January, April, July and October.
Mecklenburg	25th May and November	4th Wednesday	February, May, September and Dec.
Middlesex	10th May and 26th November	1st Tuesday after 4th Monday	February, May, August and Novembr'r.
Montgomery	10th April and October	2d Monday	March, May, August and November.
Nansemond	27th March and September	4th Monday	March, June, August and November.
Nelson	4th Tuesday in April and October	2d Thursday	February, May, July and November.
New Kent	16th March and September	3d Monday	March, June, August and November.
Norfolk county	20th May and November	1st Monday	March, June, August and November.
Norfolk city	3d Tuesday in April and October	2d Monday	February, April, July and October.
Northampton	16th March and September	2d Monday	March, June, September and Novembr'r.
Northumberland			March, May, August and November.

CIRCUIT, COUNTY AND CORPORATION COURTS—CONTINUED.

COUNTIES AND CORPORATIONS.	CIRCUIT COURTS—WHEN TERM COMMENCES.	COUNTY AND CORPORATION COURTS—MONTHLY TERMS.	COUNTY AND CORPORATION COURTS—QUARTERLY TERMS.
Nottoway	28th March and September	1st Thursday	March, May, August and November.
Orange	1st May and October	4th Monday	March, May, August and November.
Page	April 20th and September 23d	4th Monday	February, May, July and November.
Patrick	June 15th and October 1st	Tuesday after 4th Mon.	4th Monday in February, May, August and November.
Petersburg	February 5th, June 5th and Dec 5th	3d Thursday	January, April, July and October.
Pittsylvania	April 20th and November 25th	3d Monday	March, June, August and November.
Portsmouth	5th March and September	1st Thursday after 1st Tuesday.	
Powhatan	17th April and October	1st Monday	March, June, August and October.
Prince Edward	1st March and 1st September	3d Monday	February, May, August and Novemb'r.
Prince George	May 7th and November 7th	2d Thursday	March, May, August and October.
Princess Anne	1st April and 1st October	1st Monday	March, June, August and October.
Prince William	2d Monday in October and May	1st Monday	March, June, August and October.
Pulaski	3d Monday in March, 4th Monday in July, 2d Monday in December	1st Monday	March, June, August and October.
Rapahannock	Tuesday after 3d Monday in May, and Tuesday after 3d Monday in Nov	2d Monday	March, May, August and October.
Richmond city*	1st Monday in February and 3d Monday in May and October	1st Monday	January, April, July and October.
Richmond county	April 18th and October 18th	1st Monday	March, May, August and November.
Roanoke county	1st January, 1st April, 5th June, and 1st October	1st Monday in each month, except August	March, June, September and December.
Roanoke city	2d Monday in Jan., April, July, and Nov.	1st Monday	March, June, August and November.
Rockbridge	March 1st and September 1st	3d Monday	February, May, August and Novemb'r.
Rockingham	April 1st and October 10th	Tuesday after 1st Mon.	April, July, September and December.
Russell	1st Monday in March, August and November		

Scott	3d Monday in March, June and Nov. . .	1st Tuesday after 2d Monday	January, April, July and October.
Shenandoah. . . .	January 5th, April 1st and Sept. 1st . .	Monday before 2d Tuesday	March, June, August and November.
Smyth	3d Monday in March and August, and 1st Monday in December	3d Monday	March, June, September and Decembr.
Southampton . .	5th May and November	3d Monday	March, June, August and November.
Spotsylvania . . .	May 6th and November 6th	1st Monday	February, July, September and Dec.
Stafford	April 6th and October 6th.	3d Wednesday	March, June, August and November.
Surry	30th May and November	4th Tuesday	January, May, July and September.
Sussex	April 30th and October 30th	1st Thursday	January, May, July and October.
Tazewell	1st Monday in April, 3d Monday in Aug., 3d Monday in November	Tuesday after 2d Mon. 1st Tuesday after 3d Monday	February, May, July and October.
Warren	February 22d, May 1st and October 20th. .	1st Monday	March, May, September and November.
Warwick	3d Thursday in March and September .	1st Monday	March, June, August and November.
Washington. . . .	4th Monday in April, 1st Monday October and January	4th Monday	February, June, September and Nov.
Westmoreland . .	April 13th and October 13th	4th Monday	April, May, August and November.
Winchester	1st Monday in April, September and December	3d Mon., except Aug. .	January, April, July and October.
Wise	2d Monday in February and 2d Monday in September	4th Monday	March, June, August and November.
Wythe	4th Tuesday in March and September .	2d Monday	March, June, August and November.
York		3d Monday.	

*September term of the Hustings court held on the 20th. Chancery court—Term commences 1st Monday in January, April, June and October.

SEPARATE ELECTION PRECINCTS.

Accomac.—Court-house, Onancock, Tangier Island, Pungoteague, Locust Mount, Newtown, Guilford, Mappsville, Temperanceville, New Church, Messongo, Chincoteague.

Albemarle.—Court-house, Monticello, Wingfield, Milton, Scottsville, Porter's, Carter's Bridge, Howardsville, Earleysville, Lindsay's Turn-out, Stony Point, Keswick Depot, Covesville, Hillsborough, Batesville, North Garden, Owensville, Free Union, White Hall, Blacksville.

Alexandria.—Graves' Toll-Gate, Washington Turnpike road, Ball's Cross-Roads, Thompson's.

Alleghany.—Covington, Jackson's River Depot, John M. Arrett's, William Damron's.

Amelia.—Deatonsville, Paineville, Court-house, Wilkerson's Shop, Mansboro', Bridgeforth Mills.

Amherst.—Magruder's Shop, Court-house, Dillard's Store, New Glasgow, Temperance, Pedlar Mills, Milner's Store, Oronoco.

Appomattox.—Court-house, Walker's Church, Tower Hill, Bethany Church, Woodlawn, Oakville, Stonewall Church.

Augusta.—Folly Mills, Peaco's Mill, Hebron Church, Sandy Hollow, Bolivar, Greenville, Midway, Newport, Middlebrook, Waynesboro', Fisherville, Barttersbrook, Sherando, Mount Sidney, Mount Meridian, Verona, New Hope, Red Mills, Mount Solon, Parnassas, Spring Hill, Centreville, Sangersville, Churchville, Lebanon Springs, Buffalo Gap, Craigsville, Deerfield.

Bath.—Court-house, Hickman's School-house, Cedar Creek Mills, Crawford's Mill, Millboro' Springs.

Bedford.—Liberty, Peakesville, Pollard's Store, Everett's, Chalemont, Big Island, Forest Depot, Bigbie's Shop, Chamblissburg, Stewartsville, Fancy Grove, Cedar Hill, Robinson's Store, Patterson's Mill, Goode's.

Botetourt.—Carvin's Cove, Trantsville, Brugh's Store, Grace Furnace, Lick Run Bridge, Asberry, Zimmerman's, Court-house, Amsterdam, Gala Water, Merritt's Mill, Jackson, Buchanan, Jennings Creek, Eagle Rock, Blue Ridge, Annspaugh's Shop, Flaherty's Store, Wilton.

Bland.—Mechanicsburg, Boyle's School-house, Seddon, Sharon, Rocky Gap, Point Pleasant.

Brunswick—Sunny Side, Gholonsville, Kelley's Store, Dromgoole's Store, Lawrenceville, Smoky Ordinary, Sturgeonville, Trotter's Store, Edmund's Store, Harper's Home.

Buchanan—Grundy, Knox, Need More, Hd. Dismal, Sand Lick, Hurricane.

Buckingham—Eleven.

Campbell—Concord, New London, Arnoldton, Brookneal, Court-house, Mount Zion, Hat Creek, Morgan's Mill, Marysville, Castle Craig, Burton's Creek, Terry's, Paulett's, Leesville, Friend's Warehouse, Martin's Warehouse.

Caroline—Bowling Green, Court-house, Dunn's Store, Sparta, White's Mill, Port Royal, Farmer's Shop, Guinea's Station, Flippo's, Reedy Church, Golansville, Needwood.

Carroll—Court-house, Polly Quesenberry's, Court-house, Aaron Nester's, Smith's Mill, Valentine Leonard's, Court-house, Martin Hawk's, Sulphur Springs, Court-house.

Clarke—Lindsey's Store, White Post, Morgan's Mill, Millwood, Mount Airy, Berryville.

Charles City—Bradley's Store, Court-house, Pollard & Walker's Store.

Charlotte—Aspinwall, Priddy's Store, Scott's Old Store, Smith's Old Tavern, Harvey's Store, Court-house, Keysville, Clement's, Wyliensburg, Red Oak Grove.

Chesterfield—Goode's Store, Clover Hill, R. R. Co.'s Store, Tucker's Store, Winfrey's Store, Cearsley's Store, Hancock's Store, Town Hall, Farley's Store, Haywood's Store, Bishop's Store, Court-house, Wooldridge & Clarke's Store.

Craig—Court-house, Paint Bank, at the house of Adam Smith, on Pitt's creek, the house of Archibald Cardwell, on Sinking Creek, the house of George Sarver, on Craig's creek, the house known as Walker's Storehouse.

Culpeper—Court-house, Mitchell's Station, Stephensburg, Foster's Store, Jeffersonton, Rixeyville, Eldorado, Brown's Store.

Cumberland—Walton's Mill, Court-house, Brown's Church.

Danville—Masonic Hall.

Dickenson.

Dinwiddie—Court-house, Reams' Station, Cherry Hill, Brookland, Oak Grove, Daryville City, White Oak, Fool's Store, Sutherland's.

Elizabeth City—The Chesapeake Township, the Wythe Township, the Southfield Township.

Essex—Loretto, Lloyd's, Tappahannock, Enterprise, Chapel Grove, Centre Cross.

Fauquier—Warrenton, New Baltimore, Orleans, Salem, Markham, Paris, The Plains, Rectorstown, Warrenton Junction, Bristersburg, Morrisville, Bealton, Upperville, Landmark, Auburn.

Fairfax—Centreville, Clifton, Arundles', Bayliss', Pulman, Accotink, Court-house, Vienna, Langley, Spring Vale, Thornton's, Thompson's, West End, Fall's Church.

Floyd—Six.

Fluvanna—Court-house, Hunter's Lodge, Davis's Store, Kent's Store, Haden's Store, E. Winn & Co.'s Store, Temperance Hall at Fork Union.

Franklin—Rocky Mount, Snow Creek Store, Union Hall, Hatcher's Store, Bonbrook Mills, John H. Kinsey's, James S. Calloway's Storehouse, Long Branch Meeting-house, Thomas H. Prillaman's Storehouse.

Fredericksburg—Court-house, Town Hall.

Frederick—Neffstown, Brucetown, Whitehall, Pughtown, Baker's Mill, Dolan's, Gore's, Lamp's School-house, Russell's Mill, Dry Run School-house, Old Forge, Middletown, Newtown, Greenwood, Kerntown, and Carper's Valley.

Giles—Pearisburg, Wolf Creek, Staffordsville, Banessville, Pembroke, Newport.

Gloucester—Clay Bank, Hickory Fork, E. H. Rou's Store, Sassafras, Wood's Cross-Roads, Dragan's Ordinary, Gloucester Court-house, Trevilian's Store.

Goochland—Detrick's Store, Ford's Store, Bowles' Store, Goochland Court-house, Three Square, Rockett's, Snead's Store, Poor's.

Grayson—Pug Place, White Top, Bridle Creek, Independence, Elk Creek, Warwick's, Knob Fork, Old Town.

Greene—Stanardsville, McMullen's Mill, Ruckersville, Huckstep's Store.

Greenesville—Hicksford, Ryland, Telian & Walton's Mill, Moss House, Bellfield, Trotton Store.

Halifax—Court-house, Meadesville, Mount Vernon, Brooklyn, Brandon's, Mount Carmel, Black Walnut, Hyco, High Hill, Scottsburg, Clover, Mount Laurel, Barksdale, Republican Grove.

Hanover—Cold Harbor, Strong's Store, Court-house, Ashland, Beaver Dam Depot, Jones' Cross-Roads, the house of Dr. Richard C. Bowles.

Henrico—Carter's Store, Sweeney's, Franklin House, Chadlick's Store, Hungary Water Station, Brun's, Moran's Store, Erin Shades

Henry—Martinsville, Draper's Store, Horsepasture Store, Carter's Store, Ridgway, Moor's Mill, Leatherwood Store, Irisburg.

Highland—Court-house, Wilson's Mill, New Hampden, Hevener's Store, Buckman's School-house, Bethlehem, Pullin's School-house, John Wilson's on Cow Pasture River.

Isle of Wight—Carrrsville, Windsor, I. W. Duck's Store, Court-house, Zuni, Burwell's Bay, Smithfield, Carrollton, G. F. Hall's Store.

James City—Three.

King George—Clifton, Court-house, Hampstead, Shiloh.

King William—Mangohick, Moncuin, Lanesville, West Point Town.

King and Queen—Newton, Clarkston, Stevensville, Carlton's Store, Buena Vista, Little Plymouth.

Lancaster—Litwalton, Court-house, White Stone.

Lee—Margaret Ely's, Bales' Forge, Bishop's Store, Morgan's Store, Jonesville, Abraham J. Livingston's, Carne's Store, Stickleyville, Stallard's Store, Widow Jones.

Loudoun—Leesburg, Goresville, Hughesville, Silcott's Springs, Snickersville, Hillsborough, Waterford, Purcellville, Woodgrove, Middleburg, Aldie, Bleakley's Grove, Unison, Lovettsville, Water's, Luckett's Store, Guilford, Gum Spring.

Louisa—Hopkins' Mill, Trevillian's Depot, Terrell's Store, Court-house, Ball's Cross-Roads, Frederick's Hall, Cuckoo, Thompson's Cross-Roads, Bumpass', Jackson, Shelton's Mill.

Lunenburg—Lockleven, Bagley's Store, Smithson's Store at Rehoboth, Pleasant Grove, Court-house, Knight & Oliver's Mill, Brown's Store.

Lynchburg—Henry Ward, Lynch Ward.

Madison—Criglersville, Mether's Mill, Oak Park, Rochelle, Court-house, Wolfston's, Graves' Mill.

Mathews—Three.

Mecklenburg—Edmondston's Old Store, Smith's Cross-Roads, Puryear's Shop, Clarksville, Boynton, Christiansville, Wight's Store, Gillespie's, Buffalo Springs.

Middlesex—Jamaica, Saluda, Sandy Bottom.

Montgomery—Christiansburg, Guerrant's, Auburn, Central Depot, Price's Fork, Blacksburg, Crumpecker's, Big Spring, Alleghany Springs, Grayson's Mill.

Nansemond—Darden's Store, Chuckatuck, Barrett's Neck, Yeates', Lower Free School, The Junction, Norfleet's Fork, Cypress Chapel, Somerton, Holy Neck Chapel, Copeland's Mill, Kilby's Mill, and Suffolk.

Nelson—Lovingston, Newmarket, Elmington, Arrington, Buffalo Ridge, Massie's Mill, Nash's, Nelly's Ford, Lowesville, Montebello, May's Store, Poplar's, Faber's Mills, Greenfield, Pamplin's Tanyard.

New Kent—Barhamsville, Court-house, Talleyville, Cross-Roads.

Norfolk County—Bower's Hill, Hall's Corner, Sycamore, Deep Creek, Zion's Church, Tanner's Creek, Cross-Roads, Corner House, Oak Grove, Bethel Bell's Mill, Indian Creek, Hickory Grove.

Northampton—Capeville, Bayview, Eastville, Johnsontown, Franktown, Wardtown.

Northumberland—Lottsburg, Heathsville, Burgess's Store, Wicomico Church.

Nottoway—Three.

Orange—Barboursville, Gordonsville, Orange C. H., Halle's New Store, Woodfork's Store, Locust Grove.

Page—Price's Mill, Honeyville, Mohler's Mill, Marksville, Luray, Griffith's Mill, Springfield, Rileysville.

Patrick—Nine.

Petersburg—First Ward: Biggin's Corner, Brown's Shop. Second Ward: Court-house. Third Ward: Centre Market-house, Virginia Engine-house. Fourth Ward: Blankenship's, No. 109, Crowder's Store. Fifth Ward: Quarles' Store. Sixth Ward: Black's Store, Butterworth's Store.

Pittsylvania—Court-house, Carter's Old Tavern, Riceville, Aspen Grove, Straight Stone, Chalk Level, Hurt's Store, Berger's Store, White's, Sandy Level, Moorman's, Swansonville, Whitmell, Cascade, Toll-house of Danville Toll-bridge Company, Ringgold, Laurel Grove, Hall's Cross-Roads, Pace's Warehouse, Neal's Old Warehouse, Planter's Warehouse, Graves's Warehouse, Holland's Warehouse.

Portsmouth—Jefferson Ward: Court-house. Jackson Ward: Town Hall.

Powhatan—Ballsville, Smith's Cross-Roads, Court-house, Pineville, Sublett's Tavern, Powhatan Station.

Princess Anne—Blackwater, Creed's Bridge, Capp's Store, Court-house, Loudon Bridge, Kempsville.

Prince Edward—Worsham's, Briery, Green Bay, Rice's, Spring Creek, Prosmar's, Harrison's Store.

Prince George—Lea's Mill, Sturdivant's Shop, Sherman's Cross-Roads, Grammar's, Harrison's Store.

Prince William—Six.

Pulaski—Dublin Depot, Newbern, Harmony Church, Cecil's Chapel.

Rappahannock—At the house of Mrs. Elizabeth Richins, on Flint Hill; at the house of D. W. Silvey, in Aimsville; at the house of John W. Ryan, in Woodville; Court-house; at the house of Mrs. Ann Millan, in Sperryville.

Richmond City—Marshall Ward: First Precinct, Second Precinct, Third Precinct. Jefferson Ward: First Precinct, Second Precinct, Third Precinct, Fourth Precinct. Madison Ward: First Precinct, Second Precinct, Third Precinct, Fourth Precinct. Monroe Ward: First Precinct, Second Precinct, Third Precinct, Fourth Precinct. Clay Ward: First Precinct, Second Precinct, Third Precinct. Jackson Ward: First Precinct, Second Precinct, Third Precinct.

Richmond—Newland, Warsaw, Braxton's Store, Farham Church.

Roanoke—Brand's Store, Court-house, Cake Spring, Big Lick Depot, Edington's Shop.

Rockbridge—Court-house, Hartsook's Shop, Oak Bank, Horner's Store, Lowman's Mill, Goshen, Brownsburg, Fairfield.

Rockingham—Timberville, Tenth Legion, Linville, Mitchell's Schoolhouse, Carpenter Schoolhouse, Fulk's Mill, Meeting's Store, Mount Chriton, Dayton, Rawley Springs, Bridgewater, Mount Crawford, Ottobine, Harrisonburg, Keezleton, Cross Keys, Fair Hill, Peales' Cross-Roads, Port Republic, McGaheysville, Conrad's Store.

Russell—Lebanon, E. R. Baylor's Store, Thomas S. Johnson's Storehouse, Wm. M. Lockhart's Store, house of Jacob Cook, James M. Hanson's Storehouse, house of Isaac B. Fugate, house of Francis M. Dorton, house of William J. Wampler, house of John Banner, house of Elam Grizzle.

Scott—Estillville, Winninger's, Stoney Point, Smith's, Nickelsville, Peters, Osborne's Ford, Stoney Creek, Rye Cove, Jennings's, Roller's, Frances.

Shenandoah—Strasburg, Lebanon Church, Court-house, Conner's Church, Town Hall, Nanoah, Harman's Mill, Dry Run School-house, Edinburg, the Church above and near Columbia Furnace, Mount Jackson, Hudson's Cross-Roads, New Market, Forestville.

Smyth—Court-house, Atkins' Mill, Bradford, Mrs. D. J. Williams', Robert S. Bonham's, Chatham Hill, Saint Clair's Bottom, Saltville, Blue Spring.

Southampton—Drewrysville, Green Plain Store, Boykin's Depot, Oak Grove, Newsom's Depot, Joyner's Store, Franklin, Jerusalem, Black Creek Church, Berlin, Ivor.

Spotsylvania—Court-house, Brent's, Summit, Partlow's, Thornburg, Chancellorsville, Finchville, Peake's, Brokenburg, Faulconer's.

Stafford—Court-house, Griffin's Store, Falmouth, White Oak, Hartwood, Harwood, Stafford's Store, Masters'.

Staunton—First Ward: Court-house. Second Ward: Union Hall.

Surry—Phillips' Store, Court-house, Wall's Bridge.

Sussex—Court-house, Henry, Stoney Creek, Newville, Waverly, Wakefield.

Tazewell—Jeffersonville, Falls Mills, Liberty Hill, Mo. of Indian Crockett's Cove, Dry Fork, Blue Stone, Lawson's Store (in Bark's Garden), Poor Valley, Shawyer's Mill, Peery's Store.

Warren—Leith's School-house, Court-house, Cedarville, Howells-ville, Leary's School-house.

Warwick—Stanley District, one precinct, voting at the Ward House; Denbigh District, one precinct, voting at the Old Court-house, or Denbigh, as it is now called; and in Newport District, three precincts, one voting at Morrison's, and at Newport News City, two precincts, viz.: Precinct No. 1 and Precinct No. 2.

Washington—Abingdon, Duff's, Goodson, Hall's Bottom, Glade Spring, Cedarville, Mahanaim, Fullen's School-house, Friendship, Frame School-house, Wesley Fleener's, Adam's, Peter's, Phillip's, White's Mill, Holston.

Westmoreland—Oak Grove, Baynesville, Montross, Warrensville, Hague, Oldham's Cross-Roads.

Winchester—First Ward: Grim's Hotel. Second Ward: Friendship Engine-house. Third Ward: Sarah Zane Engine-house. Fourth Ward: Union Engine-house.

Wise—Five.

Wythe—Court-house, Mount Airy Depot, Seam's Shop, Graham's Forge, Zion, Moor's School-house, Poplar Camp.

York—Fort McGruder, Court-house, Cockletown, Tabernacle Church.

NAMES AND NUMBERS

OF THE

MAGISTERIAL DISTRICTS IN THE COUNTIES OF VIRGINIA AS REPORTED TO THIS DATE.

Accomac—1, The Islands; 2, The Atlantic; 3, Metunkin; 4, Lee; 5, Pungoteague.

Albemarle—1, Rivanna; 2, Whitehall; 3, Scottsville; 4, Samuel Miller; 5, Charlottesville.

Alexandria—1, Jefferson; 2, Arlington; 3, Washington.

Alleghany—1, Covington; 2, Boiling Spring; 3, Clifton.

Amelia—1, Lee; 2, Giles; 3, Jackson.

Amherst—1, Elon; 2, Court-house; 3, Temperance; 4, Pedlar.

Appomattox—1, Southside; 2, Stonewall; 3, Clover Hill.

Augusta—1, Beverly Manor; 2, North River; 3, Middle River; 4, South River; 5, River Head; 6, Pastures.

Bath—1, Warm Springs; 2, Cedar Creek; 3, Williamsville; 4, Millboro'.

Bedford—1, Chamblissburg; 2, Staunton; 3, Otter; 4, Forest; 5, Charlemont; 6, Lisbon; 7, Liberty; 8, Bellevue.

Bland—1, Mechanicsburg; 2, Seldon; 3, Sharon; 4, Rocky Gap.

Botetourt—1, Amsterdam; 2, Fincastle; 3, Buchanan.

Brunswick—1, Meherrin; 2, Totaro; 3, Red Oak.

Buchanan—1, Grundy; 2, Garden; 3, Sand Lick.

Buckingham—1, Maysville; 2, James River; 3, Slate River; 4, Marshall; 5, Curdsville; 6, Francisco.

Campbell—1, Rustburg; 2, Brookville; 3, Otter River; 4, Seneca; 5, Falling River.

Caroline—1, Bowling Green; 2, Port Royal; 3, Madison; 4, Reedy Church.

Carroll—1, Pine Creek; 2, Laurel Fork; 3, Fancy Gap; 4, Piper Gap; 5, Sulphur Spring.

Charles City—1, Harrison; 2, Tyler; 3, Chickahominy.

Charlotte—1, Bacon; 2, Walton; 3, Madison; 4, Roanoke.

Chesterfield—1, Bermuda; 2, Chester; 3, Matoaca; 4, Clover Hill; 5, Midlothian; 6, Manchester; 7, Dale.

Clarke—1, Greenway; 2, Chapel; 3, Battletown.

Craig—1, New Castle; 2, Alleghany; 3, Summerville.

Culpeper—1, Jefferson; 2, Salem; 3, Cedar Mountain; 4, Stevensburg; 5, Catalpa.

Cumberland—1, Hamilton; 2, Madison; 3, Randolph.

Dickenson.

Dinwiddie—1, Rowanty; 2, Sapony; 3, Dorville; 4, Namozine.

Elizabeth City—1, Chesapeake; 2, Wythe; 3, South Field.

Essex—1, Rappahannock; 2, Central; 3, Occupacia.

Fairfax—1, Centerville; 2, Lee; 3, Mount Vernon; 4, Falls Church; 5, Providence; 6, Dranesville.

Fauquier—1, Centre; 2, Scott; 3, Marshall; 4, Rappahannock; 5, Cedar Run.

Floyd—1, Locust Grove; 2, Little River; 3, Jacksonville; 4, Alum Ridge; 5, Indian Valley; 6, Burk's Fork.

Fluvanna—1, Fork Union; 2, Cunningham; 3, Columbia; 4, Palmyra.

Franklin—1, Rocky Mount; 2, Snow Creek; 3, Union Hall; 4, Gill's Creek; 5, Bonbrook; 6, Magodee; 7, Blackwater; 8, Long Branch; 9, Brown Hall.

Frederick—1, Stonewall; 2, Gainesboro'; 3, Back Creek; 4, Opequan; 5, Shawnee.

Giles—1, Pearisburg; 2, Walker's Creek; 3, Pembroke; 4, Newport.

Gloucester—1, Abingdon; 2, Petsworth; 3, Ware.

Goochland—1, Dover; 2, Licking Hole; 3, Byrd.

Grayson—Old Court-house; 2, Elk Creek; 3, Wilson Creek.

Greene—1, Monroe; 2, Standardsville; 3, Ruckersville.

Greenesville—1, Bellfield; 2, Hicksford; 3, Zion.

Halifax—1, Staunton; 2, Roanoke; 3, Banister; 4, Birch Creek; 5, Mount Carmel; 6, Hyco.

Hanover—1, Henry; 2, Clay; 3, Ashland; 4, Beaver Dam; 5, Allen's Creek.

Henrico—1, Tuckahoe; 2, Brookland; 3, Fairfield; 4, Varina.

Henry—1, Horse Pasture; 2, Ridgeway; 3, Leatherwood; 4, Martinsville.

Highland—1, Blue Grass; 2, Monterey; 3, Stonewall.

Isle of Wight—1, Windsor; 2, Hardy; 3, Newport.

James City—1, Jamestown; 2, Powhatan; 3, Stone House.

King and Queen—1, Newtown; 2, Stevensville; 3, Buena Vista.

King George—1, Passapatany; 2, Shiloh; 3, Chotank.

King William—1, Mangohick; 2, Acquinton; 3, West Point.

Lancaster—1, White Chapel; 2, Mantua; 3, White Stone.

Lee—1, Rose Hill; 2, White Shoals; 3, Jonesville; 4, Rocky Station; 5, Yokum Station.

Loudoun—1, Leesburg; 2, Broad Run; 3, Mercer; 4, Mount Gilead; 5, Jefferson; 6, Lovettsville.

Louisa—1, Greenspring; 2, Louisa Court-house; 3, Cuckoo; 4, Jackson.

Lunenburg—1, Lockleven; 2, Columbia Grove; 3, Rehoboth; 4, Pleasant Grove; 5, Lewiston; 6, Brown's Store.

Madison—1, Roberson; 2, Locust Dale; 3, Rapid Ann.

Mathews—1, Piankitank; 2, Westville; 3, Chesapeake.

Mecklenburg—1, Clarkesville; 2, Palmer's Springs; 3, Boydton; 4, Bluestone; 5, Christiansville; 6, Flat Creek; 7, South Hill; 8, Buckhorn.

Middlesex—1, Jamaica; 2, Saluda; 3, Pine Top.

Montgomery—1, Christiansburg; 2, Blacksburg; 3, Alleghany; 4, Auburn.

Nansemond—1, Chuckatuck; 2, Sleepy Hole; 3, Cypress; 4, Holy Neck.

Nelson—1, Lovington; 2, Rockfish; 3, Massie's Mills.

New Kent—1, Black Creek; 2, St. Peter's; 3, Cumberland; 4, Ware Creek.

Norfolk—1, Western Branch; 2, Deep Creek; 3, Tanner's Creek; 4, Washington; 5, Pleasant Grove; 6, Butts' Road.

Northampton—1, Capeville; 2, Eastville; 3, Franktown.

Northumberland—1, Lottsburg; 2, Heathsville; 3, Fairfield; 4, Wicomico.

Nottoway—1, Haytokah; 2, Blendon; 3, Bellefonte.

Orange—1, Barbour; 2, Madison; 3, Taylor; 4, Gordon.

Page—1, Shenandoah Iron Works; 2, Mackville; 3, Luray; 4, Springfield.

Patrick—1, Mayo River; 2, Dan River; 3, Smith River.

Pittsylvania—1, Chatham; 2, Banister; 3, Staunton; 4, Pigg River; 5, Calland's; 6, Tunstall's; 7, Dan River; 8, Danville.

Powhatan—1, Macon; 2, Spencer; 3, Huguenot.

Prince Edward—1, Buffalo; 2, Hampden; 3, Leigh; 4, Lockett; 5, Farmville.

Prince George—1, Templeton; 2, Rives; 3, Bland; 4, Blackwater; 5, Brandon.

Prince William—1, Gainesville; 2, Manassas; 3, Brentsville; 4, Dumfries; 5, Occoquan; 6, Coles.

Princess Anne—1, Pungo; 2, Seaboard; 3, Kempsville.

Pulaski—1, Dublin; 2, Newbern; 3, High Wassie.

Rappahannock—1, Wakefield; 2, Jackson; 3, Hampton; 4, Stonewall; 5, Piedmont.

Richmond—1, Stonewall; 2, Marshall; 3, Washington; 4, Farnham.

Roanoke—1, Catawba; 2, Salem; 3, Cave Spring; 4, Big Lick.

Rockbridge—1, Lexington; 2, Natural Bridge; 3, Buffalo; 4, Keen's Creek; 5, Walker's Creek; 6, South River.

Rockingham—1, Plains; 2, Linville Creek; 3, Brock's Gap; 4, Central; 5, Franklin; 6, Harrisonburg; 7, Ashby; 8, Stonewall; 9, Elk Run.

Russell—1, Lebanon; 2, Elk Garden; 3, New Garden; 4, Moccasin; 5, Copper Creek; 6, Castlewoods.

Scott—1, Floyd; 2, Johnson; 3, Fulkerson; 4, Estillville; 5, DeKalb; 6, Taylor; 7, Powell.

Shenandoah—1, Davis; 2, Stonewall; 3, Johnston; 4, Madison; 5, Ashby; 6, Lee.

Smyth—1, Rich Valley; 2, Marion; 3, St. Clair.

Southampton—1, Drewrysville; 2, Boykin's; 3, Newsom's Depot; 4, Franklin; 5, Jerusalem; 6, Berlin and Ivor.

Spotsylvania—Court-house, Brent's, Summit, Thornburg, Partlow's, Andrews', Peaks', Faulconer's, Chancellorsville, and Finchville.

Stafford—1, Falmouth; 2, Hartwood; 3, Rock Hill; 4, Aquia.

Surry—1, Blackwater; 2, Guilford; 3, Cobham.

Sussex—1, Court-house; 2, Henry; 3, Stony Creek; 4, Newville; 5, Waverly; 6, Wakefield.

Tazewell—1, Jeffersonville; 2, Clearfork; 3, Maiden Spring.

Warren—1, South River; 2, Front Royal; 3, Cedarville.

Warwick—1, Newport; 2, Denbigh; 3, Stanley.

Washington—1, Saltville; 2, Glade Spring; 3, Abingdon; 4, Goodson; 5, Kinderhook; 6, North Fork; 7, Holston.

Westmoreland—1, Washington; 2, Montross; 3, Dopie.

Wise—1, Richmond; 2, Gladeville; 3, Robinson; 4, Walker; 5, Tipps.

Wythe—1, Black Lick; 2, Fort Chiswell; 3, Speedwell.

York—1, Pocosin; 2, Grafton; 3, Nelson; 4, Bruton.

ERRATA.

On page 77, in seventh section, after "eighteen" the word "hundred" should appear.

On page 78 the word "owning" should be "owing."

On page 759, in title of Chapter 460, the word "portable" should be "potable."

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